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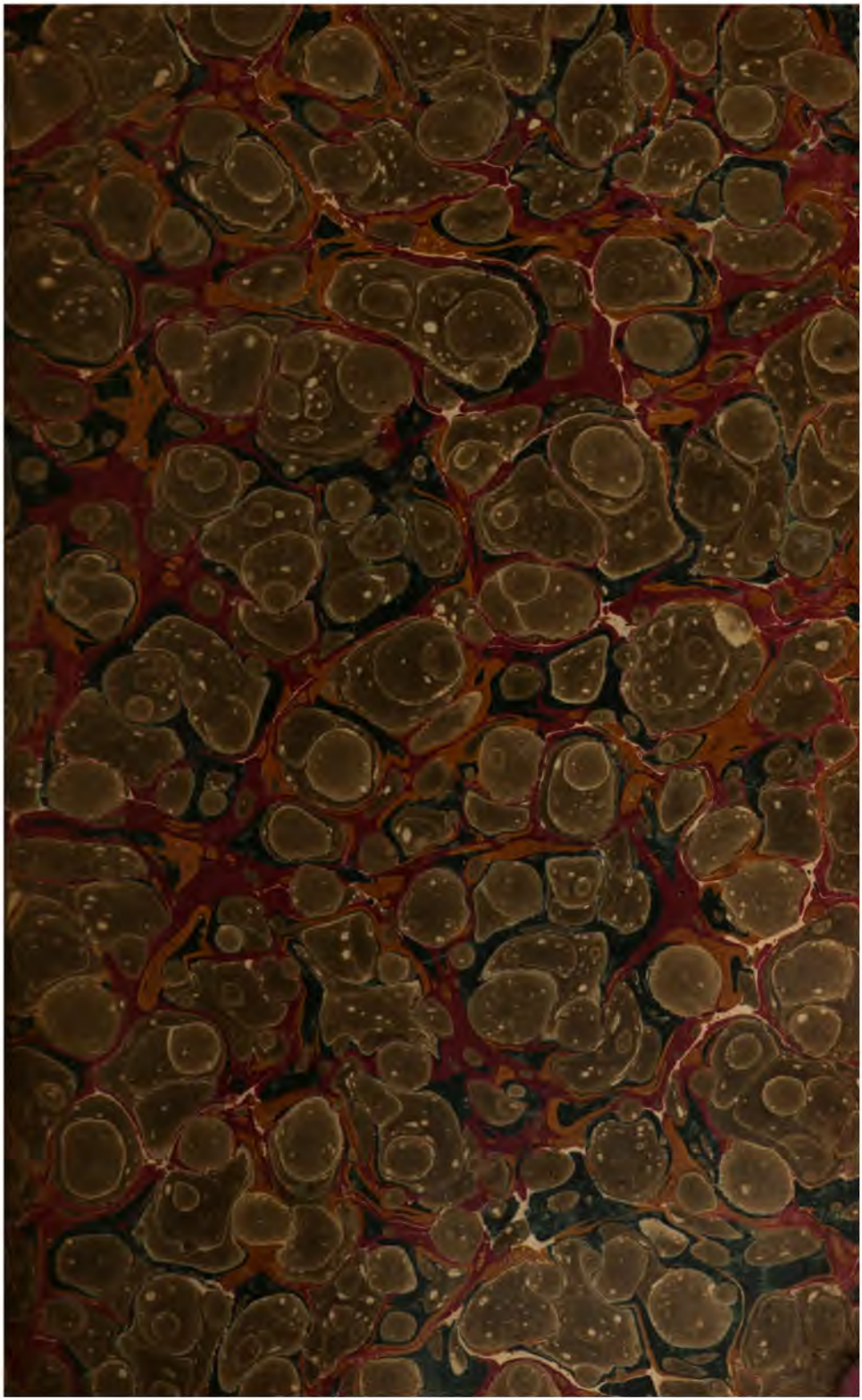

THE UNIVERSITIES OF EUROPE IN THE MIDDLE AGES

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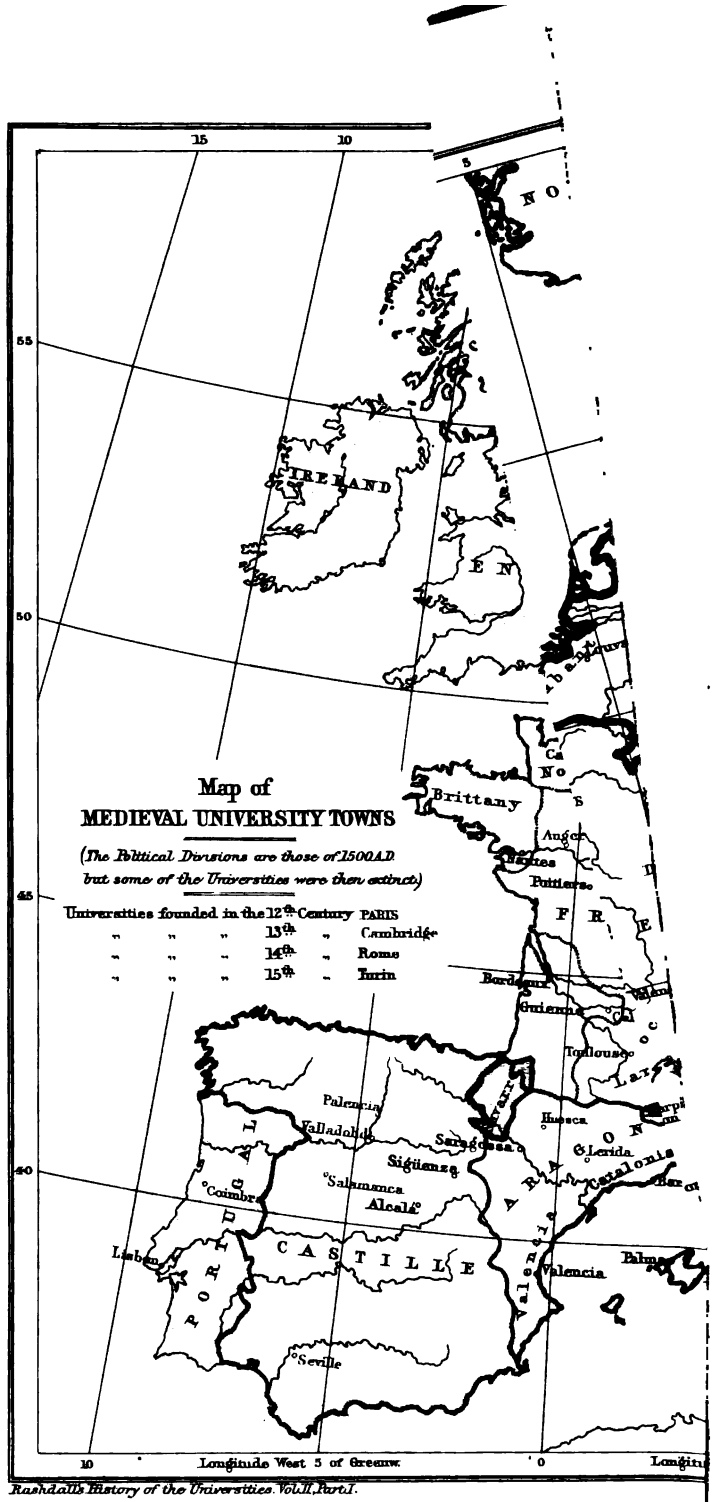

Rashdall's History of the Universities. Vol.II, Part I.

THE

UNIVERSITIES OF EUROPE

IN THE

MIDDLE AGES

BY

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LATE FELLOW OF HERTFORD COLLEGE

IN TWO VOLUMES

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CHAPTER VI.

THE ITALIAN UNIVERSITIES.

THE MEDIEVAL UNIVERSITIES.

CHAPTER VI.

THE ITALIAN UNIVERSITIES.

For the authorities on the Italian Universities in general, see above, vol. I. p. 90.

Meaning of Studium Generale in the thirteenth century.

AT this point it may be desirable, even at the risk of some repetition, to remind the reader of the vagueness which long attached to the afterwards definite and highly technical conception of a Studium Generale. The word originally meant simply a Studium which was attended by scholars from all parts. But as it was only for the study of the higher subjects that it would be necessary for a student to take a long journey in quest of adequate instruction, the term naturally implied likewise a place of higher education and usually a place where teaching was to be found in one at least of what came to be technically known as the superior Faculties, with more or less definite implication of a plurality of teachers therein. Practically in the second half of the twelfth century it was only in a very few great centres—at first indeed, almost exclusively at Paris, Bologna, Salerno, and Oxford—that the highest education in such subjects was attainable. Soon, however, through various causes—intestine feuds at Paris and Bologna, the jealousy and ambition of neighbouring cities, the multiplication of Masters in quest of employment, and the like—individual Doctors or whole bodies of scholars began to transfer the traditions of the great Mother-studia to other places. Henceforth it was natural that these places

CHAP. VI. should arrogate to themselves, with more or less success, the rank of Studia Generalia, and, when they ventured to multiply Doctors after the fashion of their parents, to claim for them the vague prestige attaching to teachers of the old archetypal Schools. Moreover, as the Mother-studia developed a more and more elaborate and complex organization, this organization was reproduced in the daughter-schools, and the term Studium Generale thus came more and more definitely to denote an organization of a peculiar type. When definite privileges—especially the privilege of dispensation from residence—came to be attached to students and teachers of Studia Generalia, recognition as a Studium which conveyed these privileges became the most prominent *differentia*, and the way was prepared for that association of the term with a papally or imperially conferred *jus ubique docendi* which has been already sufficiently explained. All that it is necessary to emphasize here is the vague and fluid meaning which the term Studium Generale carried with it at the end of the twelfth and the beginning of the thirteenth centuries.

Small Studia Generalia numerous in Italy.

It is especially in Northern Italy that the tendency of a great archetypal University to reproduce itself is exemplified. The number, independence, and rivalry of the Cities in this region specially lent itself to the process. And their political autonomy may partially account for a more extended use of the term Studium Generale than is elsewhere observable. It was natural for a City Republic which drew students from half a dozen neighbouring Cities to style its Studium general, while it would not occur to the Masters of an old Cathedral City in France or England to claim such a title for their schools because it drew scholars from a neighbouring Duchy or County, though not from foreign countries [1]. Hence in Italy we are obliged

[1] Yet in a document of 1287 we still read that 'Quatuor Studia generalia ad minus sint in Italia, scilicet in Curia Romana, Bononiæ, Paduæ et Neapoli' (Renazzi, *Storia dell' Univ. degli Studj di Roma*, I. p. 30), which shows how dubious was the recognition of many of the Studia mentioned below.

to treat as Studia Generalia many Schools which were certainly not of more importance than northern Studia which do not happen to be so described. It is a mere accident that we are obliged to include in our list of Universities places like Reggio in Emilia and to exclude Schools like Chartres and Laon, Lincoln and Salisbury, even Lyons and Reims, because they are not expressly called Studia Generalia in the twelfth or thirteenth century, and never afterwards acquired the organization and privileges which came to be associated with that term in the fourteenth. Even in Italy itself there may have been towns not expressly so called in any extant document which possessed Schools of exactly the same type as those which are.

Claims of Modena.

These remarks may be illustrated by the difficulty of deciding upon the claims of Modena to a place among Universities. We have already had occasion to speak of the secession of Pillius from Bologna to Modena[1] some time before 1182. As, however, there is no express evidence that Modena was ever looked upon as a Studium Generale, it is best not formally to include it in that category, though it is certain that during most of the twelfth and the thirteenth centuries[2] there was a very considerable Studium of Law in the place, for which its Doctors would probably have claimed whatever prerogatives were enjoyed by such places as have next to be mentioned. It is often spoken of in the same category as Reggio[3].

[1] Above, vol. I. p. 171: for the statement of Pillius, see Sarti I. pt. i. 84 *sq.* As to the importance of the School, see Tiraboschi, *Storia d. Lett. Ital* III. p. 638 *sq.*, and *Biblioteca Modenese* (Modena 1781), I. 48 *sq.*: Muratori, *Rer. It. SS.* IX. 771, XV. 560, and *Antiq. Ital. Med. Aev.* III. 905–6: Sillingardi, *Catalogus omn. Episc. Mutin.* Mutinæ, 1606, p. 91 (where it appears that Honorius III granted a faculty to absolve scholars for 'injectio manuum' *c.* 1223): *Munimenti di storia patria della prov. Modenese*, Parma, 1864, Stat. i. Rub. 103.

[2] Pillius, in describing his secession, uses the word 'Mutina quæ juris alumnos semper diligere consuevit' (ap. Sarti, 1888, I. pt. i. p. 84), but Savigny's statement that Placentinus taught here earlier in the twelfth century is unfounded. Denifle, I. p. 296.

[3] Odofredus claims the privileges accorded by the Civil Law to Professors in *Regiæ civitates* for Bolognese Professors who teach 'citra Aposam,'

CHAP. VI, § 1.

There is, however, no evidence of graduation having taken place at Modena, which establishes a clear difference between the position of the School and that of its rival, Reggio. I shall therefore treat Reggio, and not Modena, as the first of the spontaneously evolved reproductions of Bologna.

§ 1. REGGIO.

TACOLI, *Memorie storiche di Reggio.* Pt. III. Carpi, 1769.

At Reggio, as in so many other older Law-Schools of Italy, the special School of Law was a development of an ancient School of Rhetoric and Grammar in that comprehensive and quasi-legal sense in which those studies were understood in the earlier Middle Age. It was here that Anselm the Peripatetic studied in the first half of the eleventh century under Sichelmus, a pupil of Drogo[1]. To the year 1188 belongs a contract between the Podestà and a certain Jacobus de Mandra in which the latter undertakes to come to Reggio as a teacher and to bring scholars with him[2]. It is only a conjecture, though a probable one, that the contemplated secession was from Bologna, and it is not certain, though equally probable, that it was ever carried out. It is, however, clear that at the beginning of the following century Modena and Reggio were the most formidable of Bologna's younger rivals. By 1210 Reggio was clearly recognized as a Studium Generale since a Canon of Cremona is dispensed from residence to study there[3]—a privilege which could not be claimed except for study at a Studium Generale. A Doctoral

Anselm the Peripatetic

Possible Bologna Secession, 1188.

Clearly a Studium Generale in thirteenth century.

not otherwise: 'Similiter et liberi eorum et uxores debent habere immunitatem, non qui docent leges Regii vel Mutinæ: immo est una proditio' (Dig. L. xxvii. Tit. 1. ad verb. *Romæ*, ap. Sarti, I. pt. i. p. 86; the text is very corrupt in the printed edition). Accursius likewise denies the privilege of the Jurists of Modena and Reggio, *ad loc.* (ed. Contius, 1576, c. 258). See above, vol. I. p. 102 *sq.*

[1] 'Itaque tunc temporis apud Regium ciuitatem magistrum meum domnum Sichelmum, uestrum discipulum, liberalibus disciplinis a uobis studiosissime eruditum adii.' *Ep. Anselmi Peripat. ad Drogonem*, ap. Dümmler, *Anselm der Peripatetiker.* Halle, 1872, p. 18.

[2] 'Cum scolaribus causa Scolam tenendi et tenebit.' Tacoli, III. p. 227.

[3] Denifle, I. p. 294.

diploma has been preserved of the year 1276 which testifies to a regular College of Doctors, regular examinations by the Doctors under the presidency of the Bishop, and a *Universitas Scholarium*[1]. At the beginning of the fourteenth century, however, seventeen students of Law complain that there is no longer a single Doctor in the place, and that the salaries are no longer provided by the Town; and this petition expressly speaks of the Studium as having once been general[2]. After this we hear of one or two individual Law-teachers here, as there were in almost every considerable Italian town[3]; but the Studium Generale had by this time entirely disappeared.

CHAP. VI, § 2.

Extinction.

§ 2. VICENZA (1204).

Savi, *Memorie antiche e moderne interno alle pubbliche scuole in Vicenza.* Vicenza, 1815.

The University of Vicenza[4] owes its origin to a definite migration of scholars in 1204, and it is practically certain that the migration came from Bologna[5]. Its history as a Studium Generale is a short one; for it seems to have come to an end in the year 1210[6], though there was still, as in so many other Italian towns, an intermittent Studium of Law and of Medicine here[7]. In later times, under the Venetian dominion, an attempt to get it erected into a

Migration from Bologna, 1204.

[1] Tacoli, III. pp. 215–216.

[2] 'Ut antiquitus fieri consuevit et maxime tempore boni status civitatis predicte, imo priusquam generale studium vigere consueverat in civitate predicta.' Tacoli, III. p. 225.

[3] Tacoli, III. p. 226.

[4] The only earlier trace of a Studium is the mention of a Theologian who taught in connexion with the Cathedral in 1184. Savi, p. 12.

[5] The evidence for this is the fact that two of the Doctors had taught at Bologna, taken in connexion with the measures adopted at this time by the City of Bologna which point to a secession. See above, vol. I. p. 171: Tiraboschi, T. IV. p. 66.

[6] 'Huic succedit Bernardus Vexillifer Papiensis. Sub isto venit Studium Scholarium in Civitate Vicentiæ et duravit usque ad Potetariam Domini Drudi' [*i. e.* 1204–1210]. Maurisius, *Hist.* ap. Muratori, *Rer. Ital. SS.* VIII. c. 15. 'Studium generale fuit in Civitate Vicentiæ, Ductoresque [*leg.* Doctoresque] in contrata Sancti Viti manebant: ut etiam hodie apud Priorem Sancti Viti apparent privilegia collationis Studii.' Antonius Godus, *Chron.* (*ib.* c. 75).

[7] Some salaries were voted in 1261. Savi, pp. 116, 117.

CHAP. VI, § 3.

Studium Generale by John XXIII failed, and the fact that such a document was considered necessary suggests, though it does not prove, that it had ceased to be regarded as a Studium Generale at all[1]. But during the short period 1204–1209 the University appears to have been a highly prosperous community. The scholars are said to have actually built or rebuilt the Church of S. Vitus, in which they installed a body of Camaldunensian monks from the convent at Verona; and in 1209—apparently upon the departure of the Bolognese students—the patronage of it was to the Order. From the documents relating to this transaction it is clear that there were then four Rectors and as many Student-Universities; while the number of the Doctors, the high position of many of the students, and the distant regions from which they had come testify, to the temporary scholastic importance of the place[2].

Four Universities.

§ 3. AREZZO (? 1215).

We have already seen[3] how a Law-school was established in Arezzo in 1215 by one of the early seceders from Bologna, Roffredus of Benevento[4]. Though he could not have remained in the town long[5], the Studium had become by the middle of the century one of the most important of these primitive outgrowths of Bologna. One of the earliest Italian Codes of University Statutes which have

Secession from Bologna, 1215.

Statutes, 1255.

[1] Savi, pp. 117–119. The petition contains the words 'cum alias fuerit studium in civitate Vicentie.'

[2] See the documents in Mittarelli, *Annales Camaldunenses*, Venet. 1755, IV. p. 213 and App pp. 260–263. The words relating to the Rectors (in 1205) are 'dilectis in Christo fratribus magistro Roberto de Anglia, et Guilielmo Cancelino de Provincia, et Guarnerio de Alemannia, et Manfredo de Cremona, rectoribus pro universitate,' &c. In 1206 we have only 'Mag. Robertus de Anglia et dominus War. de Alamannia rectores universitatis scolarium in Vicentina civitate commorantium.' Among the representatives who cede back the Church in 1209 only one Rector is mentioned—a 'Rector de Ungaria,' which suggests the possibility of a fifth University having arisen.

[3] See above, vol. I. p. 172.

[4] 'Cum essem Arretii, ibique in cathedra residerem, post transmigrationem Bononiæ, ego Rofredus Beneventanus juris civilis professor an. Dn. MCCXV,' ap. Sarti (1888), I. pt. i. p. 133.

[5] Not after 1218, as appears from Bulls of Honorius III: see Denifle, p. 424 *n.*

come down to us belongs to Arezzo, and is of the date 1255. Unfortunately the constitution is totally different from that of the parent University, on which it consequently throws little light. Here the Rector is elected and the Statutes made by the Doctors—now seven in number—of Law, Medicine, and Arts. The University originated in the secession of a Master, not in a secession of students: hence the Masters seem to have made their own arrangements, and assumed to themselves the right of conferring the *licentia ubique regendi*[1].

The School of Arezzo might no doubt have claimed the honours of a Studium Generale *ex consuetudine* while it lasted. But no trace of its existence can be discovered from the middle of the thirteenth century[2] till the Studium was restored by the immigration of deserters from Bologna, in consequence of an Interdict[3], in 1338. In 1355 a foundation-brief for a Studium Generale was obtained from the Emperor Charles IV[4]. All trace of the revived Studium is lost after 1373 and a fresh Imperial privilege which was granted in 1456 failed to restore animation to the defunct University[5].

Imperial Charter, 1355.

[1] It is provided that no one is to lecture 'nisi sit legitime, et publice, et in generali conventu examinatus, et approbatus, et licentiatus, quod possit in sua scientia ubique regere.' See the Stat. in Guazzesi, *Dell' antico dominio del vescovo di Arezzo in Cortona.* Pisa, 1760, p. 107 (reprinted by Savigny, III. App.). Here we have the method of licensing prevalent at Bologna before the right of promotion was conferred upon the Archdeacon in 1219. It should be observed that the Masters of Grammar, Dialectic and Medicine seem here to act as a single College.

[2] Except that provision is made for the education of citizens by the town-statutes of 1327. Denifle, I. pp. 425–6.

[3] 'Suo tempore (*i. e.* in 1338) venerunt doctores Arretium ad legendum in jure canonico et civili; et hoc quia non poterant stare Bononiæ, occasione excommunicationis D. Papæ, quando expulserunt legatum de terra. Habuerunt salarium CC florenorum auri.' *Annales Aretini* ap. Muratori, *Rer. Ital. SS.* XXIV. c. 878. Cf. above, vol. I. p. 217.

[4] The brief (ap. Denifle, I. p. 427) declares that 'in eadem civitate longo tempore studium viguerit juxta imperialia privilegia que propter civilium guerrarum discrimina dicuntur deperdita': of such 'privileges' there is no trace. By this time the idea that a Studium Generale must be founded by Pope or Emperor was so firmly established that, it being known that Arezzo had once been a Studium Generale, it was presumed that there must have been a foundation-brief.

[5] Guazzesi, *l. c.* pp. 109, 110.

CHAP. VI, § 4.

§ 4. PADUA (1222).

RICCOBONUS, *De Gymnasio Patavino.* Patavii, 1698, &c.: and in Grævius, *Antiq. Italiæ*, T. VI. P. iv. TOMASINUS, *Gymnasium Patavinum*, Utini, 1654. PAPADOPOLUS, *Historia Gymnasii Patavini*, Venetiis, 1726. FACCIOLATI, *De Gymnasio Patavino Syntagmata XII.* Patavii, 1752, and *Fasti Gymnasii Patavini.* Patavii, 1757. COLLE, *Storia scientifico-letteraria dello studio di Padova.* Padova, 1824 (the most elaborate of these histories). GLORIA, *Monumenti della Università di Padova* (1222-1318). Venezia, 1884; Padova, 1885. *Monumenti della Università di Padova* (1318-1405). Padova, 1888. *Monumenti della Università di Padova raccolta da Andrea Gloria e difesi contro il Padre Enrico Denifle.* Padova, 1888.

There are also two unimportant pamphlets, GROTTO DELL' ERO, *Della Università di Padova, Cenni ed Iscrizioni.* Padova, 1841: and LASTE, *Brano Storico Portumo di Padova dall' anno MCCCCV al MCCCCXXIII.* Padova, 1844.

No Statutes were till recently known (except the Town-statutes of 1460 referred to below) earlier than the Jurist Statutes of 1463, printed with additions in 1551 (*Statuta spectabilis et almæ Universitatis Juristarum Patauini Gymnasii*); the *Statuta Dominorum Artistarum Achademiæ Patavinæ* belong apparently to 1486. The Jurist Statutes of 1331 have recently been discovered and printed by Denifle in *Archiv f. Lit.- u. Kirchengesch. d. Mittelalters*, VI. p. 309 *sq.* In spite of the number of its University historians, much of the history of Padua has been written for the first time by Denifle. Gloria has collected some useful documents, but they are edited in a very inconvenient form. He has been unwise enough to enter into an unequal combat with Denifle.

There is an interesting study by ANDRICH, *De Natione Anglica et Scota Juristarum Univ. Patav. ab a. MCCXXII usque ad MDCCXXXVIII.* (Patavii 1892).

By far the most important of the daughters of Bologna was the great University of Padua, which early proved a formidable rival of the Mother University, and eventually surpassed it in everything but the incommunicable prerogative of historical prestige. The famous Bologna Jurist Martinus, or another of the same name, appears to have taught at Padua some time before the year 1169, when we hear of the election as Bishop of Padua of a Jurist who was teaching in 'the School of Martinus'[1]; but, with the exception of this episode, we find no trace of a Studium Generale till the thirteenth century[2]. The

[1] 'Qui tunc regebat in legibus in domo Martini de Goxo que erat juxta majorem ecclesiam Paduanam' (Gloria, *Cod. Dipl. Pad.* Ven. 1879, pt. i. p. xcviii).

[2] Colle (I. p. 59) speaks of S. Silvester as being born in 1177 and being sent to study at Bologna and Padua as a young man, but according to Sarti (II. p. 165) the Saint died in 1326.

chroniclers say that the Studium of Bologna was 'transferred to Padua in the year 1222[1].' It is not improbable that Law was taught at Padua at an earlier date, but its history as a Studium Generale begins with this year. We have seen to what a pitch the quarrels between the City of Bologna and the Student-universities had been carried by the year 1220[2]; and it is quite possible that the Chroniclers' statement is no very gross exaggeration. There may well have been a short period during which Bologna was practically deserted by students. No doubt such a secession cannot have lasted long; but, though a large proportion of the seceders probably returned to Bologna upon the re-establishment of peaceful relations with the town, a large body certainly remained behind. Later historians, anxious as usual to ascribe the origin of a University to some sort of authoritative charter or edict, represent the Emperor Frederick II as the author of the 'transference'[3]: but it is certain that whatever attempts the Emperor made to crush the University of Bologna did not begin till 1225[4], and then were inspired on the one hand by hostility to that City, and on the other by his desire to benefit his own creation at Naples; but not at all by any favour for Padua which was a member of the Lombard League no less than Bologna.

CHAP. VI, § 4. Migration from Bologna, 1222.

In 1226 we hear of a book, the 'Rhetorica Antiqua' of Buoncompagni, being read in the Cathedral 'in the presence of the Professors of Civil and Canon Law, and

[1] 'MDCCXXII... Hocanno translatum est Studium Scholarium de Bononia Paduam.' *Regimina Paduæ* ap. Muratori, *Rer. Ital. SS.* VIII. c. 371, cf. *ib.* cc. 421, 459: *Antiq. Ital.* V. c. 1129. In 1223 Jordan of Saxony preached 'Scholaribus apud Paduam' and induced 33 of them to enter his Order. *Lettres de Jourdain de Saxe*, ed. Bayonne (Paris and Lyons, 1865), pp. 8, 12.

[2] Vol. I. p. 173.

[3] We have an interesting hint as to the reasons for the choice of Padua in Sarti (I. pt. i. p. 402). The Bishop of Padua 'Bononiæ degebat' in 1222, and no doubt encouraged the project.

[4] *Chron. di Bologna* ap. Muratori, *SS.* XVIII. 254: Sigonius, *Histor. Bonon.* Francofurti, 1604, p. 100. Cf. Winkelmann, *Acta Imperii inedita*, 1885, I. 263: (in 1227 A.D.) 'sententias . . . revocamus et specialiter constitutionem factam de studio et studentibus Bononie.'

CHAP. VI, § 4. of all the Doctors and scholars dwelling at Padua[1].'

Contract for Migration to Vercelli, 1228.

It is a singular fact that the next document relating to the new University should be a contract made in 1228 between the representatives of the students and the City of Vercelli for the transference of the Studium to that place. Already the Commune of Padua had proved itself as unaccommodating as that of Bologna: and the emissaries of the students had been sent abroad to get better terms for them elsewhere. Vercelli agreed to make over to the students 500 of the best houses in the place[2], and more if necessary. This fact is one of the best evidences we have as to the populousness of the early Universities. Even now, when the original single University of Bologna was throwing out colonies in all directions, we find the possibility contemplated of a migration from one of them of not less—at a very low estimate of the average capacity of each house—than 2500 or 3000 students. It is provided that the rent of each house should not exceed 19 *libræ papienses*, and should be fixed by taxors representing University and City. The City further agrees to lend 10,000 *libræ* to scholars at a fixed rate of interest[3], to secure a due supply of provisions, and to provide 'competent salaries' for one Theologian, three Civilians, four Canonists, two Doctors of Medicine, two Dialecticians, and two Grammarians, the Masters to be elected by the Rectors and to be compelled to teach gratuitously. The Commune further undertakes to send messengers to announce the establishment of the Studium in all parts of Italy, to provide two copyists (*exemplatores*) who shall transcribe books for the scholars at a rate to be fixed by the Rectors, and to grant certain immunities from

[1] 'Item datus et in communi deductus fuit Paduæ in maiori ecclesia in præsentia domini Alatrini, summi Pontificis capellani, tunc Apostolicae sedis legati, venerabilis Jordani Paduani episcopi, Ciofredi theologi, cancellarii Mediolanensis, professorum iuris canonici et civilis et omnium doctorum et scolarium Paduæ commorantium anno domini 1226 ultimo die mensis Martii.' Doc. in Rockinger, *De Arte dictandi in Italia* (*Sitzungsberichte der bayerischen Akad. zu München*, 1861, p. 135).

[2] 'Quingenta hospicia de milioribus, quæ erunt in civitate et, si plura erunt necessaria, plura.'

[3] Savigny's assumption that this is to pay their debts at Padua is perhaps too optimistic.

taxation. The civil jurisdiction of the Rectors is recognized, the criminal jurisdiction being reserved to the town Magistrates. On the other hand the Rectors and scholars promise on behalf of 'all the other scholars of their Rectorship' that the whole Studium of Padua shall come to Vercelli and there remain for eight years: but there is a cautious proviso that, if the scholars are not able to execute the contract (as might easily happen if the Paduan authorities got wind of the affair), they shall not be bound by its terms. CHAP. VI, § 4.

There has been much controversy concerning the extent to which this contract actually took effect. On the one hand it has been supposed that it remained wholly unexecuted, on the other that the entire Studium of Padua really was dissolved and transplanted to Vercelli for the eight years specified in the contract. It has now, however, been placed beyond all doubt that a considerable migration of students to Vercelli did take place, but that the Studium at Padua by no means came to an end in 1228. Both facts are proved by evidence of the same character. The Dominican General, Jordan of Saxony, records the 'conversion' of twenty scholars at Padua in 1229[1]—the year after the contract; while in the same year he mentions the 'conversion' of the Rector[2] of the German scholars at Vercelli and of twelve or thirteen Masters or Bachelors. Nor (as we shall see) did the separate existence of the

Migration did not destroy the Paduan Studium.

[1] 'Ubi bene viginti et probi postea intraverunt.' *Lettres*, p. 100. Again about 1232, thirty were converted, several of them Masters (*ib.* pp. 166, 168). So in a letter from a Doctor then teaching at Padua to the Bolognese Doctor Petrus Hispanus the latter is invited to come to Padua where 'habebitis multitudinem auditorum, ubi loci viget amœnitas et venalium copia reperitur' (Sarti, I. pt. ii. p. 364). This letter, referred by Sarti to 1223, could not, according to Denifle (I. 278), have been written before 1228 or 1229. The earliest life of S. Antony of Padua (on the date of which, see Denifle's note, I. p. 283) speaks of the processions to his tomb in 1231 of 'litteratorum turma scolarium, quorum non mediocri copia uiget civitas Paduana,' (*Portugaliæ Monumenta SS.* T. I., Olisipone, 1856, p. 124); and in the next year, among those who wrote to the Pope to obtain the canonization of the Saint was 'favore digna magistrorum atque scolarium universitas tota.' *Ib.* p. 125.

[2] 'Studens in Jure Canonico, Theutonicus, Spirensis Canonicus, qui rector erat Theutonicorum scolarium Vercellis.' *Lettres*, p. 114. Cf. *ib.* p. 16.

CHAP. VI, § 4. colony absolutely cease with the expiration of the contract.

Early Organization. The Vercelli contract may be considered the *locus classicus* for the condition not only of Padua but indirectly also of Bologna in the first half of the thirteenth century. It is not clear whether there were at Padua three Rectors or four: at all events only three of them seem to have taken part in the proceedings. Nor does the Head of each 'Rectorship' seem necessarily to have been styled Rector. We hear of a 'Rector' of the French, English and Normans, a 'Proctor' of the Italian scholars and a 'Provincial' of the Rectorship of Provençals, Spaniards and Catalans. But in the University which it was proposed to establish at Vercelli there were undoubtedly to be four Rectors, *i.e.* of the French, the Italians, the Provençals, and one other. The name of the fourth Rectorship appears to have been left blank in the original MS.: in all probability it consisted of Germans[1].

Decline, 1237–1260. Although (as has been said) the Paduan Studium was not immediately extinguished by the Vercelli secession, there can be no doubt that during the atrocious tyranny of the Ezzelino family (1237–1260) it was reduced to a very low ebb, and at length practically ceased to exist[2]. Its revival dates from the restoration of freedom in 1260 which was followed by an exodus of students from Bologna on account of the war between that City and Forlì, and of the Papal interdict on the Bologna Schools. The contract made in 1262 between the Bologna seceders and the City of Padua

Revival, 1260.

[1] The original is not extant. In the first printed copy of it (Zacharia, *Iter litterar. per Italiam.* Venet. 1762, p. 142), there is a blank after the third 'Rectore'; in a MS. copy preserved at Vercelli, the blank is filled up with 'Theotonicorum.' See Savigny's note, cap. xxi. § 116. It is printed by Savigny in an Appendix: also by Gloria, *Mon.* (1222–1318) II. 5, and below, App. xvi.

[2] 'Patavium (*sic*), quæ nunc Padua vocatur, in qua multo tempore viguit studium literarum.' Albertus Magnus, *De natura locorum.* Lugd. 1651, T. V. tr. 3. c. 2, p. 286. In 1253 there is an allusion to a 'notary and scholar' (Muratori, *Rer. Ital. SS.* VIII. c. 271, 280). Gloria has attempted to show that the University Statutes, organization, &c. were preserved uninterruptedly from 1222, but his case, never a good one, is rendered hopeless by the discovery of the Statutes mentioned below.

has recently been discovered[1]. In the year 1260 the town-statutes provide for the payment of *salaria* to Doctors, and make other regulations for the benefit of the Studium: whereas the Statutes of the preceding year speak only of Masters of Grammar[2]. At the same time a Code of Statutes was drawn up[3]. If any earlier written Statutes had ever existed, the very memory of them had perished: the University made an entirely new start in 1260, and was naturally organized on the later Bologna model with two Universities of *Ultramontani* and *Citramontani*; though during the year 1260, and often afterwards, both Rectorships were held by the same person[4]. The Licence was conferred by the Bishop, and in 1264 a Bull of Urban IV sanctioned the practice[5]. In 1346 the University further obtained from Clement VI a confirmation of its prerogatives as a Studium Generale. But, lest this Bull should be regarded as in any sense a 'foundation' of the University, it may be well to add that the preamble recites that there had been a Studium Generale in the place from time immemorial in all Faculties except Theology[6]. The Bull for a

CHAP. VI, § 4.

Bull of Urban IV, 1264.

Confirmation of Studium Generale by Clement VI, 1346.

Theological Faculty, 1363.

[1] It is contained in the newly discovered Statute-book described below (p. 15, *n.* 1: *Archiv*, VI. 513, cf. Facciolati, *Fasti*, pp. i, vi). In 1362 the historian Rolandinus recounts his reading of his Chronicle before the Doctors and Masters, some of whom were described as 'Doctores in Physica et scientia naturali,' one as 'Magister in Loyica,' others as 'Magistri in Grammatica et Rhetorica,' 'præsente etiam Societate laudabili Bazaliorum (*sc.* Baccalariorum) et Scholarium liberalium Artium.' *Chron.* xii. 19, ap. Muratori, *Rer. Ital. SS.* VIII. c. 360.

[2] *Statuti del Comune di Padova*, ed. Gloria, 1872, pp. 375, 380 (also printed by Denifle, I. p. 800). In 1273 the youthful Cervottus Accursius was hired from Bologna at the liberal salary of 500 *libræ*. Sarti, I. pt. i p. 204. Cf. also Gloria, *Mon.* (1222-1338 II. p. 17 *sq.*

[3] See the Preface to the Statutes of 1331. *Archiv*, VI. 380.

[4] *Archiv*, VI. 399. The Rectorships were permanently united in 1473.

[5] Riccobonus, f. 3: Tomasinus, p. 9.

[6] See the Bull in Riccobonus, f. 4; Gloria, *Mon.* II. p. 25 (1318-1405); and a confirmation by Eugenius IV in 1439 (Riccobonus, f. 6) which confers all the privileges of Paris, Oxford, Bologna, and Salamanca, (mentioned in that order). The Jurist Baldus declares that Padua was a 'Studium generale ex consuetudine et sic privilegia eumdem (*sic*) sunt quæ Bononiæ ubi est Studium generale ex consuetudine legitima.' So cited by Colle. I. p. 51: but the printed edition (Francof. ad Mæn. 1589, T. V. cons. 77) has 'privilegia eadem sunt, quæ ex privilegio

CHAP. VI, § 4.

Studium Generale in Theology was obtained in 1363 from Urban V [1].

New migrations from Bologna, 1306 and 1322.

At the beginning of the fourteenth century (1306) the numbers were largely increased by a temporary dispersion of the Bologna students in consequence of a Legatine Interdict on the City which had expelled the Lambertazzi and the Papal Legate [2]. The troubles of the year 1321 again brought an influx of Bologna students who had temporarily seceded to Imola: and thither the City of Padua (like Siena and probably other Italian Cities) sent envoys to negotiate a more permanent migration to their University. The treaty drawn up between the contracting parties on this occasion has been preserved, and makes it plain that the new-comers must have constituted by far the larger part of the Paduan University. Besides conceding the ordinary University privileges, the City agreed that the Rectors should be allowed to bear arms (which was at present forbidden at Bologna), that scholars should not be tortured except in presence of the Rectors, that clerks should be handed over to the ecclesiastical judge, that salaries should be provided for nine Doctors of Civil and Canon Law as well as for the permanent officials of the Studium, and lastly that the University should henceforth be governed by the Bologna Statutes [3]. This last provision was found difficult of execution, as the seceders had omitted to bring with them a copy of their Statutes; and the law of the University continued in a state of great confusion till the year 1331, when a new Code was prepared, taken mainly from the then current Statutes of Bologna, but partly from the older Paduan code [4]. These Statutes have recently been

History of Statutes.

Lotharii Imperatoris, ut dicitur.' Baldus adds that the Bishop gave the 'licentia legendi hic et ubique terrarum.' Cf. Riccobonus, f. 1.

[1] Printed in Gloria, *Mon.* (1318–1405) II. p. 55.

[2] 'Idem vero legatus [Napuleo de Ursinis] maximos contra prædictos Bononienses promulgavit processus, et generali studio et honoribus et privilegiis pariter privavit: et fere Scolares universi cum suis Doctoribus iverunt Paduam.' *Annal. Cæsenat.* ap. Muratori, *Rer. It. SS.* XIV. c. 1127.

[3] The contract is preserved in the Statutes, *Archiv*, VI. p. 523.

[4] *Archiv*, VI. pp. 523–534. Another

discovered at Gnesen and published by Father Denifle[1]. The Statutes of 1432 appear in the printed edition of 1551. CHAP. VI, § 4.

The general resemblance of the Paduan Statutes and Constitution to those of the parent University will make it unnecessary to give any detailed account of the former. A few points of difference may be noticed. The Universities of Law were divided into Nations more symmetrically than at Bologna[2]. Each University had ten votes, and each vote represented a Nation; the Germans alone had two votes[3]. The exclusion of citizens from the Universities was maintained as at Bologna[4]: but there was here no counterbalancing monopoly for citizen-professors. On the contrary, citizens are expressly excluded by the Statutes from the salaried Chairs, though their language shows that the Commune had made an attempt to thrust its citizens into them without election by the students. The Statutes provide that the salaried Doctors should be nominated by the *Tractatores Studii* who administered the funds provided by the City, but formally elected by the students[5].

Constitution compared with Bologna.

curious provision is the arrangement that the City should procure a merchant from Venice to go to Bologna and fetch the books and other effects of the students, left behind them in their hurried flight.

[1] *Archiv*, VI. pp. 309 *sq.*, 523-6. The Statutes were found in the Chapter Library of Gnesen by Prof. Nehring of Breslau. They bear the date of 1301, but Denifle has shown that they really belong to 1331. These Statutes reveal with peculiar clearness the method by which the Student-domination was established. An offending Doctor 'prohibeatur publice a legendo, et scolaribus precipiatur, ne ipsum audiant in virtute prestiti iuramenti,' and an offending scholar 'proclametur per scolas quod nullus doctor ipsum in scolis tenere debeat et in eius legere presencia in virtute prestiti sacramenti' (*ib.* p. 486); and this prohibition involved social excommunication: 'qui privatus est ab Universitate, intelligatur esse privatus comodo singulorum' (*ib.* p. 491). These Statutes are also interesting as showing that there were regular University Sermons at the Dominican Church here as doubtless in other Italian Universities (*ib.* p. 479).

[2] *Archiv*, VI. p. 399.

[3] But there is a trace of another, perhaps older, division of each University into four 'generales' or 'principales nationes' (*ib.* pp. 466, 482). Cf. above, vol. I. pp. 156-158.

[4] The *Ultramontani* have also a certain superiority; since if the Rectors issued contradictory commands, the Doctors are to obey the Ultramontane Rector. *Archiv*, VI. p. 399.

[5] *Archiv*, VI. pp. 417-422. The bargains with Doctors by the Scholars themselves, however, continued: 'ne aliquis rubore alterius consocii

CHAP. VI, § 4. There was a Doctoral College as at Bologna, but here Civilians and Canonists belonged to the same corporation. At one time the *Doctores Collegiati* were limited to twelve, the number was afterwards increased to twenty, then to twenty-five, then to thirty. In 1382 all restriction of number was removed [1].

Medicine and Arts. In the earlier portion of our period the University of Medicine and Arts was entirely subordinate to the University of Canon and Civil Law [2]. Both Professors and Scholars were compelled to swear obedience to the Statutes of the Jurists; and there was an appeal from the Medical Rector either to the Ultramontane or Citramontane Rector of Jurists (according to the nationality of the respondent), or to the Reformator Studii; and fees were paid upon matriculation or graduation to the superior University. Such is the state of things confirmed or established by an agreement of 1360. The agreement itself probably arose out of some resistance on the part of the inferior University; and another revolt took place at the end of the century. At last in 1399, through the mediation of Francis of Carrara, son of the reigning Prince, the Jurists consented to renounce their unnatural supremacy: but the appeal to the Jurist Rector was maintained [3]. It should be added that the relation of the Medical Univer-

sui confusus in promissionibus agravetur, inhibemus singulis scolaribus, ne quis doctori suo in diebus colecte aliquid promittat nec in libro aliquam summam scribat nec publice dare aliquam pecuniam vel alia exenia debeat vel presumat, sed quilibet sine aliqua proclamatione secrete offerat et det suo doctori prout sibi visum fuerit expedire' (*ib.* p. 471). The *collecta* must be between twenty and forty *aquilini* (*ib.* p. 472).

[1] Gloria, *Mon.* (1318–1405), II. 29, 30. The College was now confined to Paduan citizens *or* salaried Professors. Earlier (1303), it would appear that there were two Colleges (*ib.* p. 60).

[2] The Artist-Rector was also to receive the hood from one of the Jurist Rectors, after receiving authority so to do from the 'Cancellarius studii.'

[3] It was on this occasion, by way of compensation for their loss of fees, that the Prince presented the University building to the Jurists. Gloria, *Mon.* (1318–1405), II. pp. 342 345. See also doc. ap. Denifle, *Archiv*, III. 395 *sq.* The Reformator at this time was an ecclesiastical member of the Carrara House. From a document of 1400 (Gloria, *l.c.* p. 374) it appears that the Conductiones were managed by three *Tractatores* appointed by the Commune.

sity to the College was here decidedly different from that which obtained at Bologna. In a document of 1393 the College enforces an oath of obedience to its Prior or Provost upon all students as well as upon the Professors[1]. In the University of Medicine and Art the Rector's jurisdiction extended to all criminal cases except such as involved mutilation[2]. This University was divided into seven Nations of which only one was Ultramontane[3]. CHAP VI, § 4.

In all the Universities 'servants and mercenaries' were excluded from a vote, while those who were sent to the University by charity (*alienis sumptibus*) were incapable of office. Boys under thirteen were disfranchised in the Artist University, those under fifteen by the Jurist Statutes[4]. Disqualification of poor or youthful Students.

Padua did not possess a College till 1363, when the Collegium Tornacense was established for six students of Law by a Bolognese citizen, Petrus de Boateriis[5]. The other Colleges founded at Padua up to 1500 were the Collegium Jacobi de Arquado (1350), an endowment for Cypriots in 1393, the Collegium Pratense or Ravennense (1394), the Scholares Auximani (1397), the Collegium Ridium (1398), the Collegium Curtosii (1412), the Collegium Spinelli (1439), the Collegium Engleschi (1446), and the Scholares Tarrisiani (1454). All these Colleges were small, the largest apparently being the Collegium Pratense with twenty students. As in most other flourishing Italian Universities, the number of Colleges increased largely during the sixteenth and the first half of the seventeenth centuries; at Padua twenty such foundations were established between 1512 and 1653[6]. Colleges.

[1] Gloria, *l. c.* pp. 271, 272. In an earlier document of 1306 the Scholars are enjoined to obey the Prior by the Bishop. Gloria, *Mon.* (1222–1318), I. p. 145: II. p. 63. The Scholars protested, and the Bishop suspended the mandate.

[2] *Stat. Artist.* f. vi *b*. The Jurist Statutes (*Stat. Jur.* f. 20) simply confer ordinary jurisdiction; but no doubt at this time the Jurist Rectors must have possessed at least as much power as the Medical.

[3] *Stat. Artist.* xiii.

[4] *Stat. Jur.* ff. 41 *a*, 45 *b*; *Stat. Artist.* ff. i *b*, viii *b*.

[5] Facciolati, *Syntagmata*, p. 120.

[6] *Ib.* pp. 124–151: Gloria, *Mon.* (1318–1405), II. 76, 289, 331, 352. As to the endowments not styled

CHAP. VI, § 4. Increasing fame.

During the earlier part of its existence the University was dependent for its prosperity upon the troubles of its great neighbour, Bologna. While actual secessions from Bologna lasted, it practically took the place of the Bologna Studium. In 1274 for instance, during the War with Forlì, the Canons of the Council of Vienne were officially communicated to Padua[1]. But gradually, with the declining fame of the Bologna Doctors and the incessant disputes with the Bolognese citizens in the first quarter of the fourteenth century, Padua acquired a more independent and permanent reputation, and eventually rose to the position of the first University in Italy. Its progress was in no way retarded by the subjection of the City to the Dukes of the Carrara family in 1322 or to the Venetians in 1404. It was from Francis Carrara, in 1399, that the University received for the first time a building of its own[2]: while the ox-tax and the waggon-tax were assigned for the payment of the Doctors[3]. The Venetian government likewise adopted the policy of patronising and encouraging the University, and largely increased the salaries[4]. Four Paduan citizens were long allowed to act as *Reformatores* or *Tutores Studii*[5], while the election of Professors remained, nominally at least, in the hands of the students till 1445, and in the case of some chairs till *circa* 1560[6]. An edict

Colleges in the above list, it is not clear, though probable, that the scholars were obliged to live together.

[1] Gloria, *Mon.* (1222–1318) II. p. 28. Cf. Pez, *Thes. Nov Anecd.* I. c. 430.

[2] Tomasinus, p. 18: *Stat. Jur.* f. 162: Muratori, *Rer. Ital. SS.* xii. p. 974; and above p. 18, *note* 3. It was on the invitation of James of Carrara that Petrarch took up his abode in Padua as a Canon of the Cathedral: but he had no official connexion with the University, which was as a body one of the last and bitterest enemies of Humanism. (See above, vol. I. pp. 264–5.) It is noticeable, however, that a chair of Greek was established before 1465, *Stat. Artist.* f. xxii.

[3] Tomasinus, p. 19 *sq.* Hence no doubt the name of the University building, *Il bo.*

[4] Tomasinus, p. 18 *sq.*

[5] Tomasinus, p. 25. It was not till 1517 that a board of three Venetians took their places. *Ib.* p. 26.

[6] Riccobonus, f. 8 *b*; Tomasinus, p. 136; *Stat. Jur.* ff. 59, 62; *Stat. Artist.* f. xx *b*. In 1467 some of the chairs were assigned to Paduan citizens and a share in their appointment to the Paduan civic authorities. The consent of the Venetian Government had of course been required

inflicting a month's imprisonment upon a householder in whose house a student should be found shut up 'to prevent his attending the balloting,' suggests a comparison with the most hotly contested of old English Parliamentary elections[1].

Relations to Venice.

Among other honorary privileges, Venice conferred on the Rector the right to wear a robe of purple and gold, and, upon resignation of his office, the title of Doctor for life with the golden collar of the Order of S. Mark[2]. It was under Venetian tutelage that Padua reached the zenith of her glory, becoming in the fifteenth and sixteenth centuries one of the two or three leading Universities in Europe. Venetian subjects were forbidden to study elsewhere than at Padua, and eventually a period of study there was required as a qualification for the exercise of public functions at Venice[3]. Padua became in fact the University town or, as M. Renan has styled it, the 'quartier latin' of Venice: while the tolerance which, under the protection of the great commercial Republic, long defied the fury of the Catholic reaction, attracted an exceptional number of students—especially medical students[4] from England and other Protestant countries, even when the days of medieval cosmopolitanism were elsewhere rapidly passing away[5].

before. *Stat. Artist.* xxiii *b*. Specimens of the *Rotuli* containing the names of the elected Professors which were annually sent to Venice, are given in Tomasinus, p. 155 *sq*. The appointments to the elective chairs at the time of the printed Jurist Statutes were made by the Rector and *Consiliarii* (*l. c.*).

[1] *Stat. Artist.* f. xxxiii *a*. (Such episodes are, I believe, not unknown in Scotch Rectorial elections at the present day.) From the earlier Statutes of 1331 we learn that 'evenit experiencia unum interdum ponere plures ballotas in piside.' *Archiv*, VI. p. 481.

[2] Conringius, *Diss. Acad.* V. ed. Heumannus, 1739, p. 164.

[3] The first enactment dates from 1468, (*Stat. Jur.* f. 51 *b*), the second from 1479. Riccobonus, f. 10 *b*.

[4] At an earlier period we find patients coming from long distances to be treated by the Paduan physicians. In 1396 a German came from Halle to be cured of asthma; after spending nine months under the care of a German M.D. at Padua, he is said to have been cured by Bartholomeus de Mantua. Gloria (1318–1405), II. p. 306.

[5] See Andrich, *passim*. There were a considerable number of

§ 5. NAPLES (1224).

CHAP. VI, § 5.

The fullest special treatment of this University is in ORIGLIA, *Istoria dello Studio di Napoli.* Napoli, 1753. Cf. also SIGNORELLI, *Coltura nelle due Sicilie.* Napoli, 1784, II. p. 244 *sq.*; III. 28, &c. Many documents are printed in HUILLARD-BRÉHOLLES, *Historia Diplomatica Frid. II.* Parisiis, 1852, &c., and DEL GIUDICE, *Cod. Diplomatico del regno di Carlo I. e II. d' Angiò*, I. pt. i. 250 *sq.*

Creation of Universities by Pope and Emperor.

We have already seen[1] the important influence which was exercised upon the whole theory of a University, and the mode in which Universities could originate, by the efforts of the Empire and the Papacy to call Studia into being for purposes of policy, and to create by a stroke of the pen that 'generality' which had hitherto been secured only by educational efficiency and wide-spread appreciation. In these efforts the Empire took the lead. The University of Naples was the first University in Italy which was founded at a definite time by a definite Charter, and the first University in any part of Europe to be so founded with the partial exception of Palencia, which was founded, though not chartered, by the Castilian King Alfonso VIII in 1212–1214.

Foundation of Naples, 1224.

Motives of Frederick II.

Bologna, though its University was in no sense the creation of the Papacy, was a Guelphic City, and the attempt to create a powerful rival to the great Italian Law School originated with the highly cultivated Emperor Frederick II, the friend of learning, the enemy of civic liberty, the mortal enemy of the Church and of the Papal See. His chief agent in carrying out the scheme was his Chancellor, the famous Petrus de Vineis[2]. If any precedent were wanted for the assumption by the Emperor

English and Scotch students here even in the eighteenth century. The English and Scotch Nations continued to exist till 1738. According to Itter, *De honor. s. gradibus acad.* p. 1541, Padua, as early as 1409, was liberal enough to bestow its Medical Doctorate upon a Jew!

[1] See above, vol. I. p. 10.

[2] The letter printed as one from Magister P. 'Neapolitani studii doctoribus universis,' and ascribed to Petrus Blesensis in Migne, T. CCVII. c. 468 is no doubt by Petrus de Vineis.

of an ecumenical jurisdiction in matters scholastic, it was supplied by Frederick I's celebrated authentic *Habita*[1]. The Bull of foundation[2] was issued in 1224, just on the eve of the outbreak of the great struggle with the revived Lombard league: and Frederick's Neapolitan and Sicilian subjects were forbidden henceforth to resort to any other School. If Frederick's hostility to the North-Italian cities was in a measure the inspiring motive of the foundation, the war in which that hostility culminated was the cause of its failure. By 1239 a 'reformation,' which probably meant practically a new beginning of the Studium, had become necessary[3].

CHAP. VI, § 5.

'Reformation,' 1239.

All Faculties were nominally included in the new University: but it appears that Theology was (as usual in Italy) taught only by Friars, and that no promotions in Theology took place by virtue of the Imperial Bull[4]. We have already noticed the attempt of Conrad IV in 1253 to transfer the Studium altogether to Salerno: but it is very doubtful whether there was by this time any Studium left to transfer. Denifle thinks that the Neapolitan Studium did not outlive its Founder[5], though during its short spell of life no less a man than S. Thomas was numbered among its scholars[6]. The Studium was a purely artificial creation, not the

Second failure.

[1] Denifle, I. 454.

[2] The documents are printed in Huillard-Bréholles, II. 450: Origlia, I. 77. Cf. Ryccardus de S. Germano ap. Pertz, *SS.* XIX. p 344.

[3] See the documents in Huillard-Bréholles, IV. 497 (an invitation addressed to the Bolognese students), V. 493 *sq.*: Origlia, I. 94 *sq.* Origlia (I. 43), by ascribing to Frederick's original foundation documents which belong to this Reformation, traces back the origin of the University to a still earlier period.

[4] When the Dominicans left Naples in consequence of the King's dispute with the Pope in 1234, the University applied for a Theological teacher to the Benedictines of Monte Casino. Origlia, I. 102. But in 1332 John XXII authorises the extraordinary graduation of a Friar in Theology 'non obstante quod forsan in eodem studio magistri promoveri non consueverunt in facultate iam dicta.' Bull ap. Denifle, I. 460. The first notice of a secular D.D. occurs in 1451. Origlia, I. 248.

[5] Denifle, I. 457. Conrad orders that the 'studium quod *regebatur* apud Neapolim, regatur in Salerno.' Orlando, *Un codice di legge e diplomi Siciliani.* Palermo, 1857, p. 58.

[6] *A. SS.* Mar. 7 T. I. p. 660. He afterwards taught Theology here. Origlia, I. 144.

CHAP. VI, § 5.

Second Reformation, 1258–9.

outcome of any spontaneous or genuine educational movement. Its third lease of life dates from the 'reformation' by King Manfred in 1258–9[1]. It was not, however, till the accession of Charles of Anjou in 1266, when a real reform was carried out with the support and encouragement of Clement IV[2], that the University began to enjoy even a really continuous existence and a modest prosperity. Naples, long the only University in Southern Italy, became the University town of a part of Europe which, after the decline of the Medical School at Salerno, played but little part in the intellectual movements of the Middle Age. The position and climate of the crowded city must have made it, during a great part of the year, an unsuitable residence for students from any more Northern region.

Organization: dependence on Crown.

The University of Naples was the creation of despotism and was habitually treated as such[3]. There is no parallel in medieval history for such an absolute subjection of a University, in the minutest as well as the most important matters, to the Royal authority. It was placed under the immediate superintendence of the Royal Chancellor till the time of Ferdinand II (1497), when the King's Grand Chaplain became Governor of the University[4]. In the causes of scholars the jurisdiction belonged to a Royal official appointed for the purpose, the *Justiciarius Scholarium*; but in civil cases the Imperial privilege of trial by the scholar's own Master or by the Archbishop was respected, and in criminal cases the Justice was assisted by three Assessors chosen by the scholars—one by the Ultramontani, one by the Italians, the third by the Neapolitan subjects or *Regnicolæ*[5]. Whatever corporate life was possible to a University placed in this humiliating position belonged to the Professors and

[1] See the documents in Origlia I. 104 *sq.*

[2] Origlia, I. 131 *sq.*, Giudice, I. 250. Cf. the Bull of Clement IV, sometimes wrongly ascribed to Gregory X (see Denifle, I. 459), printed in Martène and Durand, *Ampliss. Collect.* II. 1274. The term *universale studium* is here used for *studium generale*.

[3] The only code of Statutes printed by Origlia is contained in the Royal Edict of Charles I in 1278, Origlia, I. p. 219 (cf. I. pp. 81, 221).

[4] Origlia, I. 287.

[5] Document of 1266. Giudice, I. 255, Origlia, I. 81–3, 193 *sq.*

scholars together[1], as at Montpellier and other Universities intermediate between the Bologna and the Parisian types. We do not, however, hear of an election of Rector or Rectors till the fourteenth century[2]. The promotions were carried out under the superintendence of the Grand Chancellor after examination by the Doctors in the presence of the Royal Court, the Doctoral diploma or Licence running in the King's name[3]. On one occasion, indeed, Royal interference was carried to the unprecedented pitch of ordering a re-examination of the whole staff of Regents, when those who failed to satisfy the Examiners were summarily deprived both of degree and salary[4]. The University was in fact even more completely a mere department of State than the modern University of France. But a certain measure of freedom was essential to healthy University life: Naples may possibly have been in its later days a not inefficient educational institution, but it has no place in the history of medieval thought[5].

[1] As in other Italian *Studia* the Doctors of each Faculty also formed separate Colleges, at least from the time of Joanna II who granted them charters (Origlia, I. 222 *sq.*). The Colleges of Doctors were confined to Neapolitan subjects and monopolised the right of Promotion.

[2] In the document of 1291 printed by Origlia (I. 201), he appears to have misunderstood the expression *ad regendum* as an allusion to the Rectorship. He speaks of allusions to a Rector earlier in the fourteenth century, but the first that appears in his documents is in 1338, when the *Rectores studii* are mentioned (p. 182). It is not, however, quite certain that these were elective Rectors in the usual sense, and where we hear of 'puncta danda per Vicecancellarios Rectoris studii,' the word 'Rector' must mean the King's Grand Chancellor, if indeed the text is not corrupt.

[3] Origlia, I. 119 *sq.*, 216 *sq.*, 232 *sq.* In Medicine the candidate disputed with each Regent Doctor who sent his *depositio* to the Chancellor; afterwards he was again examined by the King's physicians. 'Et tum examinabitur idem baccalarius per Curiam nostram per Phisicos nostros qui depositionem suam referent eidem Cancellario,' *l. c.* p. 220.

[4] Savigny, cap. xxi. § 121.

[5] As a note of the progress of the Greek Renaissance, it is perhaps worth noticing the appointment of Lascaris as Rhetor and Professor of Greek, as early as 1405, by Ferdinand I (Origlia, I. 263), but it does not appear what was his connexion with the University.

§ 6. VERCELLI (1228).

CHAP. VI. § 6.

VALLAURI, *Storia delle Università degli studi del Piemonte.* Torino, 1845, I. 17 *sq.*: SAULI, *Condizione degli Studi nella Monarchia di Savoia* in *Memorie della r. Academia delle Scienze di Torino*, Ser. II. T. VI. Torino, 1844: MANDELLI, *Il Comune di Vercelli nel Medio Evo.* Vercelli, 1857-8, T. III. pp. 1–50: BAGGIOLINI, *Lo Studio Generale di Vercelli nel Medio Evo.* Vercelli, 1888: BALLIANO, *Della Università degli studi di Vercelli*, Vercelli, 1868. COGO, *Intorno al trasferimento d. Univ. d. Padova a Vercelli*, Padova, 1892. Mandelli is the most important source for documents.

Migration from Padua. 1228.

In dealing with the University of Padua[1] we have already had occasion to examine the provisions of the contract under which a Studium Generale was established at Vercelli by an immense body of students from that University in 1228[2]. The testimony of Jordan of Saxony shows that a considerable body of students with a regular University organization was actually at Vercelli in the following year[3]: and, even after the expiration of the eight years for which the contract was made, it is clear that, though the bulk of the students had no doubt returned to Padua, some sort of Studium still maintained a rather intermittent existence in the place, though it was probably a Studium to which nothing but the 'consuetudo'

[1] See above. p. 12 *sq* A document in Mandelli (III. 10) shows that a Doctor of Theology was afterwards added to the staff, but this of course does not show that graduation in Theology ever took place here. It is observable that before 1228 (perhaps 1205-8) the Commune had ordered the Podestà 'dare operam ad habendum studium scholarum' (*leg.* scholarium). Mandelli, III. 14 Cf. Balliano, p. 37.

[2] There is no reason to believe that the Cathedral School at Vercelli was ever anything more than a Cathedral School, but the following is worthy of reproduction from its intrinsic interest: 'Volentes præterea statum hospitalis Scotorum reformare in melius... præcipimus quod minister domum emat vel faciat, secundum quod per venerabilem patrem Ugonem Vercell. episcopum de consensu Capituli est statutum, in qua comuniter recipiantur pauperes clerici et alii indigentes et de hiis quæ superfuerint annuatim, salva in omnibus provisione Scotorum et Hibernorum et aliorum pauperum, ad quorum receptionem idem hospitale specialiter noscitur institutum, misericorditer sustententur.' Stat. of Cardinal Guala for the Cathedral of Vercelli (1224), ap. Mandelli, III. 13.

[3] He speaks of the Theutonici, the Provinciales, and the Lombards. (*Lettres*, p. 102). One of his Biographers, in speaking of the visit, treats the Studium as a thing of the past: 'nam tunc studium ibi erat.' *A. SS.* Feb. 13, T. II. p. 735. (According to one reading. Cf. Denifle, I. p. 293, n. 282.)

established during the years of the Paduan secession could have given any claim to the dignity of a Studium Generale. About the year 1237, or soon after, the Emperor Frederick II sent a Doctor of Civil Law 'to teach your scholars and others who should come from all parts[1],' which seems to suggest that practically there was no longer any regular Law-teaching in the City. This Doctor seems to have attracted Students: since at the beginning of 1238 the Pope threatens the citizens with the dissolution of their Studium[2]. An allusion to a Studium sufficiently important to attract a Spanish dignitary to the place, and to warrant his getting leave of absence for the purpose, occurs in 1244[3]. There are sparse allusions to Salaria of Professors of Law up to 1340[4]. The Town Statutes of 1341 declare that there is and ought for ever to be a Studium Generale in Vercelli, and make provision for four Civilians, two Decretists, and one Doctor of Medicine[5]: but there are no traces of the Studium after the middle of the fourteenth century, and the newly founded Turin took its place as the University of Piedmont at the beginning of the next century.

CHAP. VI, § 7.

Traces of subsequent existence.

Extinction.

§ 7. THE UNIVERSITY OF THE ROMAN COURT (1244–5).

CARAFA, *De Gymnasio Romano.* Romæ, 1751. RENAZZI, *Storia dell' Università degli Studj di Roma.* Roma, 1803. Renazzi supersedes Carafa (who did not distinguish the Studium Curiæ from the Studium Urbis), and has the fullest collection of documents.

Alone among the Universities of the medieval or of the modern world the University of the Court of Rome was migratory, like the ancient Law-courts of our own and

A migratory University.

[1] 'Pro edocendis vestris Scholaribus et aliis undique venturis'; Martène and Durand, *Ampliss. Coll.* II. cc. 1141, 1142: Baggiolini, p. 139.

[2] Denifle, I. 292, 293.

[3] There is a Bull of Innocent IV (*Reg.* ed. Berger, No. 529) in 1244 which recites that 'M. Velasci, magister scolarum Astoricensis, nobis exposuit quod, cum ipse olim apud Vercellas insisteret scolasticis disciplinis,' was persuaded to enter the Order of Preachers when drunk. For traces of the later existence of the Studium, see Mandelli, III. p. 24 *sq.*, Baggiolini, p. 103 *sq.*

[4] Mandelli, III. 43.

[5] Mandelli, III. 41.

CHAP. VI. § 7.

other countries, and followed the person of the Supreme Pontiffs when they left Rome for their more agreeable Italian residences or for a permanent retreat to Avignon. Thus, after the foundation of a University for the City of Rome in 1303, there were during the presence of the Curia, two distinct Universities in the same place, and during the sojourn at Avignon the Studium Curiæ was no less distinct from the flourishing University of that town.

Foundation and purpose.

The University of the Court of Rome was founded by Innocent IV in 1244 or 1245[1]. It was primarily a University for Civil and Canon Law, but there was also a Theological Faculty, and in the fifteenth century we hear also of degrees being given in Philosophy and Medicine[2]. The Doctors in the Theological Faculty were as a rule members of Religious Orders, mostly Dominicans. A nucleus for the new University was found in an earlier project of Honorius III who had founded the Mastership of the Sacred Palace, an office always held by a Dominican Doctor of Theology, who was to give lectures to the idle courtiers of the Papal Palace[3]. The more extensive scheme of Innocent IV was likewise intended to find useful employment for the crowds of benefice-hunting ecclesiastics, who, as the Bull observes, 'flocked from all parts of the world to the Apostolic See as unto a mother[4].' It is particularly worthy of notice that the Civil Law

[1] Renazzi, I. 30 *sq.* (but not in full): Denifle, I. p. 302, supplies the preamble. Notice that the purpose of this Bull in declaring the Studium to be 'general' seems to be primarily to enable its beneficed students to avail themselves of the privilege of dispensation from residence: 'ut studentes in scolis ipsis . . . talibus privilegiis omnino, libertatibus, et immunitatibus sint muniti, quibus gaudent studentes in scolis, ubi generale regitur studium, percipientes integre proventus suos ecclesiasticos sicut alii.'

[2] Renazzi, I. 51, 255.

[3] Carafa, I. 135. There is a history of this office by Catalanus *De Magistro Sacri Palatii Apostolici*, Romæ, 1751). It was held at different times by Albert the Great and Thomas Aquinas. At a later time the Master was required, besides lecturing, to exercise a censorship on sermons to be preached in the Pope's chapel, and generally to act as a sort of guardian of the orthodoxy of the Papal household and as consulting Theologian to the Pope. He was especially to lecture on Theology to the loungers and attendant clergy waiting for the Cardinals at Consistories. Renazzi, I. 24, 44-5.

[4] Renazzi, I. 28.

received especial encouragement in a School which was the absolute creature of the Holy See, Priests habitually receiving dispensations to enable them to study it in spite of the prohibition of Honorius III—a sufficient refutation of the idea that the Supreme Pontiffs were systematically hostile to that study. Even Honorius III was no enemy to the Civil Law as such, though anxious to promote the study of Theology and Canon Law by the Priesthood and the Religious Orders. But the study of Civil Law soon became essential to the study of Canon Law; and the Popes themselves were usually lawyers rather than Theologians. CHAP. VI, § 7.

Constitution.

It is hardly necessary to say that in this Studium the democratic Student-universities never established themselves; it was governed (subject to the supreme authority of the Pope) by the College of Doctors. The Cardinal Camerlengo was Chancellor, and presided over the promotions which were carried out in the regular way after examination by the Doctors of the Faculty in the presence of the Chancellor[1].

Papal Dispensations and Papal degrees.

This may be a convenient place to mention that the Pope claimed a right to dispense with the whole or any part of the preliminaries required for the Doctorate in any University, and of demanding the admission of the candidate either immediately or after a certain limited period of residence. This right was very frequently exercised in favour of Friars at Paris and elsewhere; and, as was natural, with peculiar frequency in the Pope's own University, where the degrees were often conferred merely by Bull without any residence or study whatever. In fact the lucrative business conducted in very recent times by certain American Universities, in the Middle Ages had its centre at Rome. The Council of Constance made an ineffectual attempt to reform this abuse[2]. More rarely we find the Pope commissioning some ecclesiastic to confer a degree with the assistance of a certain number

[1] Renazzi, I. 43, 48, 93, 253, &c. Cf. *Stat. Fior.* p. 342.

[2] Renazzi, I. 41; von der Hardt, *Conc. Const.* I. pp. 743, 606. Cf below, App. XVII.

CHAP. VI, § 7. of Doctors of any University [1]. But these Papal degrees of course carried with them the *jus ubique docendi*: even when the degree was not conferred in a University, the graduate possessed (theoretically) rights in all Universities. The degree-giving power possessed at the present day by the Archbishop of Canterbury is of course a relic of this Papal dispensing power; but in the Middle Ages, with all the abuses connected with degrees, a Doctorate which conferred no rights whatever in any University at all would have been scarcely intelligible.

Study of Oriental Languages.

The University of the Roman Curia was one of the five Universities at which the Council of Vienne in 1312 directed that Professors of the Greek, Arabic, Chaldee, and Hebrew languages should be maintained [2]. Under the eye of the Pontiff who had presided at the Council, the decree was put into execution at least to a greater extent than was perhaps the case in some of the other Universities mentioned. At all events, the Professors were appointed and drew their salaries, which is as much as could at times have been said for certain University Professors of Oriental languages at more recent periods [3]. But the association of the Studium with Paris, Bologna, Oxford, and Salamanca on this occasion corresponds rather to the position which the Popes desired their School to occupy in Italy than to the position which it actually held. As it will not again be necessary to say much more about this somewhat celebrated episode in the history of the Universities, it may be well to add that the objects of the measure were purely missionary and ecclesiastical, not scientific. The new studies were to promote the conversion of Jews and Turks in the East, not to promote learning or the better understanding of the Hebrew Scriptures in the West [4].

[1] Renazzi, I. 257. The object is here said to be to avoid the expenses involved in taking a degree in a University.

[2] Some MSS. omit Greek. *Chartul. Univ. Paris.* T. II. No. 695.

[3] Renazzi, I. 49; Denifle, I. 307.

[4] There are traces of the teaching of Hebrew at Paris up to 1430 and in this year the faculty of Arts (or at least the French Nation) assented to the supplication of 'professores quidam Græci, Hebræi et Chaldæi' for a 'stipendium.' Bulæus, V. 393. Cf.

§ 8. SIENA (1246, 1357).

CHAP. VI, § 8.

There are short notices of the University in GIGLI, *Diario Sanese* (Lucca, 1723), II. pp. 101, 349. DE ANGELIS, *Discorso storico sull'Università di Siena*, Siena, 1810 (I have not seen the edition of 1840) is of no value. CARPELLINI, *Sulla origine nazionale e populare delle Università di studj di Italia, e particolarmente della Università di Siena* (Siena, 1861) is an only slightly more substantial brochure. MORIANI, *Notizie sulla Università di Siena* (Siena, 1873) gives slight sketches of its history. BANCHI has published a most interesting series of documents dealing with the migration of 1321-1322 in *Giornale Storico degli Archivi Toscani*, vol. V (1861), pp. 237 *sq.*, 309 *sq.* But the most important authority is DENIFLE (I pp. 429-452), whose work is here based upon his own researches in the archives of Siena. Since Denifle two slight pamphlets have appeared, COLOMBINI, *Cenni storici sulla Università di Siena* (Siena, 1891), and ZDEKAUER, *Sulle origini d. Studio Senese* (Siena, 1893).

Migration from Bologna, 1246.

The first notice of any kind of School in Siena occurs in 1241, when we meet with a 'Professor of Grammar' and a 'Master in the Art of Medicine'[1]. In 1246, when Frederick II attempted to prevent students from going to Bologna, Siena took the opportunity afforded by the dissensions in which the great University City was involved to hire a Doctor of Civil Law and proclaim the opening of a Studium by the accustomed method of sending messengers to the neighbouring towns with an announcement of the lectures[2]. In the following year there were a considerable number of Doctors in the place. In 1252 Innocent IV granted the 'University of Masters and Doctors regent at Siena and of their scholars studying in the same' together with their Bedels an exemption from certain city taxes, and appointed the Bishop as their Conservator[3].

It is probable that at this time the Studium would have called itself and been generally recognised as a Studium Generale in the loose and untechnical sense which was then given to the word, and it seems on the whole entitled

Chartul. Univ. Paris. T. II. Nos. 777, 786, 857. See also Ch. Jourdain's dissertations in *Excursions hist. et phil. à travers le Moyen Age*, pp. 233-245. In England we find the Canterbury Convocation in 1320 directing a tax of a farthing in the pound upon all benefices in the Province for the support of a converted Jew who is alleged to have been teaching at Oxford. Wilkins, *Concilia*, II. 499.

[1] Doc. ap. Denifle, I. p. 429.

[2] *Ib.* pp. 429, 430.

[3] Reg. Vat. quoted by Denifle, *l. c.*

CHAP. IV, § 8.

Disputed claim to be Studium Generale.

to be placed alongside of Reggio and Vercelli as one of the spontaneously developed Universities of the thirteenth century. There is no reason why it should forfeit this honorary position because it was not permanently able to assert its privilege or to re-establish its position at a later date without making a fresh start and obtaining a Papal brief. By 1275 the Bologna immigrants had evidently long since returned, and we find the city adopting a resolution 'upon the having, bringing back, and founding a Studium Generale at Siena[1].' This combination of terms clearly evidences the fact that in the view of the citizens the place had once been a Studium Generale[2]: with equal clearness it shows that *de facto* no such Studium Generale now existed. But by this time it was becoming less easy than it had been for a University to obtain recognition as a Studium Generale by mere prescription. When a new Italian Studium had succeeded in making itself 'general' by merely claiming to be so, it had usually been because a body of seceders from Bologna had brought with them something of the fame and prestige of the great Studium Generale *par excellence*. The resolution of 1275 evidently shows that it was imagined that it lay in the City's power to create a Studium Generale without invoking the assistance of Pope or King. The necessity of a foundation-bull was at this time not sufficiently recognised to prevent the attempt being made; but it was becoming too well-established for the attempt to succeed. A few notices of salaried teachers continue to occur, but there was no real Studium Generale again till 1321. In that year the City once more opened her gates to a body of malcontent scholars from Bologna, where a dispute had arisen with the

Bologna Migrations in 1321 and 1338.

[1] 'Super habendo, reducendo et fundando generali studio literarum in civitate Senensi.' Documents ap. Denifle, I. p. 431.

[2] It is on this ground that I venture to date Siena from 1246, in spite of the authority of Denifle, who dates it from the Imperial Bull of 1357. See the criticisms of Kaufmann, *Gesch. d. Deutsch. Univ.* I. 376: *Deutsch. Zeit. f. Geschichtswissenschaft*, I. 127. Really such Universities occupy a debatable ground between the Studia Generalia ex consuetudine and the Universities founded by Bull.

town, which (among other outrages upon student-liberties) had executed a scholar for rape. The bulk of the fugitives had temporarily taken refuge in the little town of Imola, and there the envoys of Siena succeeded by liberal offers of salaries in attracting to their City a considerable contingent of the Dispersion[1]. But a reconciliation took place before the close of the year[2], and it was not till the next great Bologna exodus of 1338 (when Pisa and Arezzo obtained their foundation-bulls) that Siena once more leapt for a moment into the position of a *de facto* Studium Generale. CHAP. VI, § 8.

But by this time the necessity of a bull of erection for a permanent University was established beyond all possibility of doubt. The ancient but somewhat dubious and obsolete pretensions of Siena to the character of a Studium Generale were no longer likely to meet with respect. If the Studium was to be permanent, if it was to venture to confer degrees, and if these degrees were to be worth anything, such a Bull must be procured. Serious efforts were made to obtain the needful document from the Pope on the occasion of this Bolognese migration; but the attempt failed and the bulk of the Masters and scholars no doubt returned to Bologna. After some further failures to obtain the privileges of a Studium Generale, the City at last in 1357 turned in despair to the Emperor Charles IV, from whom it obtained a Bull which, after declaring that the Studium had once been flourishing but had now sunk into obscurity, proceeds to confer upon it *de novo* the 'privileges of a Studium Generale[3].' In 1408 a fresh grant of privileges Imperial Bull of 1357.

[1] See the accounts and resolutions of the Council in Banchi, *l. c.* p. 309 *sq.* In May 1321 the City had to borrow no less than 'summam quatuor millium florenorum de auro, pro expediendis et adimplendis promissionibus per sindicos comunis Senarum rectoribus Universitatis scolarium et ipsis scolaribus.' Banchi, p. 315.

[2] Ghirardacci, II. pp. 17, 38. In July, 1322, however, Dinus gives a receipt for his salary at Siena at the rate of 100 florins per annum. Banchi, p. 329.

[3] The whole tone both of the Bull and of the City, in so far as we can judge from the extracts in Denifle (I. p. 447), negative the supposition that any one whatever *now* supposed Siena to be capable of becoming a Studium Generale without a Bull. A confirmation of the Imperial privileges was granted by Sigismund in 1433. Denifle, I. p. 452.

CHAP. VI, § 8. was obtained from Pope Gregory XII [1], and it was at this time that the Studium for the first time entered upon a period of permanent vitality. A little before (1404) a College for thirty poor scholars had been founded by the City, on the basis of an older 'casa della misericordia,' known henceforward as the 'domus sapientie' or 'Sapienza,' which was to live according to the rules of the famous Spanish College at Bologna [2].

Sapienza.

A Civic University.

The most remarkable feature of this University throughout its history is the closeness of its dependence upon the town [3]. The attempt of the City in 1275 to erect a Studium by a distinct executive or legislative act represents the first attempt of the kind in the history of the Italian City-republics [4]; and it remains the only instance (except the early secessions from Bologna) in which the attempt was made without any effort or apparent intention to apply for a Bull of erection. Writers eager to gain historical support for the theory of the State's educational omnipotence have insisted much on the case of Siena as proving that the medieval conception of a Studium Generale was simply a Studium authorized by a Sovereign or independent Municipality. If such was the theory to which the statesmen of Siena attempted to give expression, the attempt conspicuously failed. Siena was never acknowledged as a Studium Generale except during the brief periods during which she welcomed fugitives from Bologna. Many other Italian Universities were, as completely as Siena, the creations of the free City government, but they never attempted to dispense with the formality of the Papal or Imperial Bull.

[1] A number of Bulls were granted, one of which, in appointing the Bishop 'Cancellarius studii,' expressly recognises the Bishop's existing authority under the Imperial foundation. Denifle, I. p. 450.

[2] Denifle, I. p. 451.

[3] It recognised, however, in the amplest way, the Rectorial jurisdiction, extending it even to Cives. Town-statutes of 1338 ap. Denifle, I. 448.

[4] Putting aside cases where the City merely negotiated with a Secession from some other University.

§ 9. PIACENZA (1248).

CHAP. VI, § 9.

Some notices and documents occur in CAMPI, *Hist. Univers. delle cose eccles. come seculari di Piacenza* (Piacenza, 1651), II. p. 187 *sq.* &c. There are scattered notices in *Memorie per la Storia Letteraria di Piacenza*. Piacenza, 1789. See also *Annales Placentini* ap. Muratori, *Rer. Ital. SS.* XX. cc. 932-941.

Conversion of Town Schools into Studia Generalia by Bull.

So far the Universities which we have considered have been either of spontaneous growth like the great parent University of Bologna, from which most of them may be considered as colonies or outgrowths, or artificial creations of Pope or Emperor. We now come to a fresh type of University—in Italy by far the most numerous—the class in which a Town-school, supported by the Municipality, obtained the privilege of a *Studium Generale* by Papal or Imperial Bull. The idea of applying for such a Bull was no doubt suggested by the precedents of Toulouse, Naples, and the Curia. Schools of Law and Arts and often Schools of Medicine existed—not always continuously, but intermittently—in nearly every important City-republic in Northern Italy. Originally, as has been seen, these Schools were the private adventure of some Doctor who established himself in the Town, and supported himself by the fees of his scholars. But even in the second quarter of the thirteenth century the system of state-paid *salaria* began to supersede the voluntary system: and this by itself tended to give a formal and public character to these City schools. The Municipalities made contracts with the Professor for one, two, or more years. The presence of an eminent lawyer was of value to the town apart from his educational work: and in some of the contracts it was stipulated that the Doctor should give legal advice to the government when required as well as instruction to its future magistrates and lawyers. The Doctor would of course as a rule have graduated at Bologna or at least at one of those daughter-schools of Bologna at which the Bologna method of graduation had spontaneously established itself; but after the middle of the century the prestige attending these

CHAP. VI. § 9.

'promotions'—the mysterious glamour which has ever since that date hung about the process of taking a 'degree'—was such that these paid Professors did not venture to conduct the ceremony of graduation on their own responsibility. Their pupils in the Town-schools might learn Law, but could not become teachers, or assume in public and professional life the position which was everywhere accorded to the properly accredited Doctor of Law. So long as a School laboured under these disadvantages, it was not likely to attract students from distant cities, when it was just as easy to go to Bologna or to Padua. Hence the eagerness for those Bulls which, since the assumption of the prerogative of creation by Innocent IV and Frederick II, were recognised as elevating a School at one bound from a Studium Particulare into a Studium Generale with all the substantial privileges and the vague prestige which had gradually become associated with the latter appellation.

The first Italian City to apply for such a Bull was Piacenza. The great Jurist Placentinus, best known as the traditional founder of the Law-school at Montpellier, was born at Piacenza and taught there in his old age: and there are some other traces of Law-teaching in the place from the end of the twelfth century. But the Studium had no pretensions to being general until a Bull was granted by Innocent IV in 1248[1], conferring upon the Masters and scholars all the privileges of Paris and other Studia Generalia, and bestowing the 'right of promotion' upon the Bishop. Little, however, came of the new departure. There is an occasional notice of a Doctor of Law or Medicine teaching at Piacenza[2], but there is no evidence of the existence of a *de facto* Studium Generale till the year 1398, when Gian Galeazzo Visconti issued a fresh charter of erection, which he claimed to do by virtue of the Imperial power delegated to him as Vicar of the Empire[3]. At this time

Nominal foundation in 1248.

Refounded by Gian Galeazzo Visconti.

[1] The Bull is printed in Campi, II. 399.

[2] These are collected by Denifle, I. pp. 567, 568.

[3] Gian Galeazzo claims to confer the privilege of Paris, *Padua*, *Bologna* (notice the order), Oxford, Orleans, Montpellier, Pavia, Perugia, 'de nostræ plenitudine potestatis a Cæsarea dignitate nobis et nostris successoribus

the necessary steps were taken for giving effect to the Charter, and the University of Pavia was formally suppressed in favour of the new foundation[1]. Piacenza was intended to be the University Town of the great North-Italian State which the tyrant of Milan and Pavia was building up. Many reasons can be easily suggested for unwillingness on the part of such a ruler to have a University in either of his capitals: and in Italy *new* Universities generally succeeded best in the less populous and prosperous cities, where empty houses were abundant and rents low. CHAP. VI, § 9.

For a short time we find the usual Italian organization— a University of Artists and Medical Students combined and a University of Jurists with their respective Rectors[2] —established in Piacenza. Distinguished Professors were salaried. Between 1398 and 1402 no less than seventy-two salaried Professors (not all simultaneously) are found lecturing in the University—among them Baldus, the most famous Jurist of the day[3]. And here we may observe that we have now reached the period at which the progress of Humanism may be faintly traced in the altered characters of the academic *curriculum*. Among Gian Galeazzo's Professors were not only Professors of Theology, Law (including the Notarial Art[4]), Medicine, Philosophy, and Grammar, but of Astrology, Rhetoric, Dante, and Seneca. Yet in spite of this lavish expenditure, the project failed. The attempt to establish a University by pure state-action when there was no natural flow of students to a Town, and when the Town was too small to furnish a substantial nucleus by itself, was by no means always successful. The Studium had practically, it would seem, Efforts of Gian Galeazzo.

attributa.' Campi, III. p. 307. The claim is obviously a usurpation, but the form in which it is made testifies to the general acceptance of the power of creating Universities as one of the Imperial prerogatives. Denifle (I. p. 570) considers that the document must have been issued before 1399, the date given by Campi.

[1] Gatti, p. 138, but see below, p. 54.

[2] 'In præsentia DD. Rectorum, et cæterorum Doctorum hujus alius studii.' Campi, II. 190. It would appear that the Rectors were here Doctors. Cf. *l. c.* p. 195.

[3] Muratori, *Rer. It. SS.* XX. cc. 939, 940.

[4] As in most Italian Universities.

CHAP. VI, § 10.

collapsed a decade before the year 1412, when it was wisely determined to make the larger Pavia the University of the Milanese, and the subjects of the Duchy were forbidden to study elsewhere. But, though not a single lecture was given, the Doctoral Colleges of Piacenza still went on exercising their University privileges and in fact conducted a profitable traffic in cheap degrees—an abuse of which the Pavians naturally complained, but apparently without effect[1].

Transference to Pavia, 1414.

§ 10. ROME (*Studium Urbis*), 1303.

For authorities, see above, § 7.

Foundation.

Quite distinct from the University of the Curia, though by many writers confounded with it, was the University of the City of Rome, founded by Boniface VIII in 1303[2]. It was a University for all Faculties, though practically Law and Arts were most prominent. In the course of the great Schism and the political commotions of that period it was altogether extinguished; Eugenius IV is considered its second founder (1431)[3]. Under his sanction it was endowed by the Roman Municipality with the proceeds of a wine-tax, and was placed under a board of *Reformatores* or *Curatores*. But at no period of the Middle Ages was this University of much importance from an educational point of view.

The organization of the Studium more nearly followed

[1] The Envoy of Pavia sent in 1471 to the Duke urges 'Privilegium Innocentii IV eis concessum datum fuit docentibus, et sic qui actu docent; cum Privilegium dicat *docentibus* et scholaribus . . .; sed hodie non docet, cum non sit Studium generale literarum.' Muratori, *Rer. Ital. SS.* XX. c. 931. A *Collegium Jurisconsultorum* and a *Collegium DD. Artium et Medicinæ Doctorum* seem, however, to have maintained their ground. Their Statutes are printed in *Statuta Varia Civitatis Placentiæ* (Parmæ, 1860, pp. 467, 559). Those of the College of Medicine (though in their present form of the sixteenth century) still contain provisions for graduation, which are absent in the Jurist Statutes of 1435.

[2] The Bull is printed in Renazzi, I. 258. There is another Bull of John XXII which requires promotions to be made with the consent of the Cardinal Vicar. Renazzi, I. 266.

[3] See the Bull in Renazzi, I. 274. An attempt at restoration by Innocent VII failed. Carafa, I. 167 *sq.*

the democratic Italian pattern than was possible in the University of the Sacred Palace. There was a Universitas and a Rector or Rectors[1], elected by Doctors and scholars combined, who had jurisdiction in civil and minor criminal cases. In all cases except homicide the scholar had the option of being tried by his own Master according to the privilege of Frederick I or by the Cardinal Vicar: to whom also belonged jurisdiction in cases of homicide committed by clerks. When committed by lay scholars these cases were tried by the Senator[2]. Till the time of Eugenius IV the salaried Professors were elected on the petition of the scholars by a body described as the 'Rectores et Syndici Romane Fraternitatis,' whom Renazzi supposes to be representatives of the clergy of the Roman City[3].

Constitution.

Eventually in the time of Leo X the *Studium sacri Palatii* seems to have been merged in the *Studium urbis*, and the one Roman University established in a building since generally known as the *Sapienza*[4]. At this time many distinguished men were Professors in the Roman University, so much so indeed, that we are told that the teachers were more numerous than the scholars[5].

United with Studium Curiæ.

[1] The Bull of Boniface VIII speaks of *Rectores*, but we never hear of more than one Rector.

[2] Renazzi, I. 275.

[3] *Ib.* I. 66–7, 261. But the elections were subject to Papal interference, *l. c.* pp. 67, 263.

[4] *Ib.* I. 55-6. An apparently quite distinct building was the *Sapienza* or *Collegium pauperum scolarium sapientie Firmane* founded by Cardinal Dominicus de Capranica, Bishop of Fermo, in 1455. Catalanus, *De Eccl. Firmana ejusque Episcopis*, pp. 254–255.

[5] Leo X declares in 1513 that 'adeo scolarium copia defecit, ut quandoque plures sint qui legant, quam qui audiant.' Denifle, I. 315.

§ 11. PERUGIA (1308).

CHAP. VI, §11.

BINI, *Memorie istoriche della Perugina Università degli studj* (Perugia, 1816), is practically superseded by PADELLETTI, *Contributo alla storia dello studio di Perugia nei secoli 14 e 15* (Bologna, 1872), which is an edition of the Statutes of 1457, with an historical introduction, and by the unusually full and interesting series of documents published by ROSSI (*Documenti per la storia dell' Università di Perugia*) in the *Giornale di erudizione artistica*, vols. IV–VI (Perugia, 1875–77: also printed separately) and Ser. ii. vol. II. 1883. The series, however, unfortunately stops at the year 1389. I am indebted for the loan of this rare work to Professor Holland.

Foundation.

Throughout the thirteenth century we find a succession of Professors hired by the Commune of Perugia to teach Law to the sons of its citizens: and in 1276 *nuntii* were despatched in the accustomed manner to announce the opening of the lectures in the neighbouring Cities also[1]. By the end of the century the School had obtained considerable repute, and this is one of the few cases in which we have positive evidence of the existence of *Universitates Scholarium* before the erection of the School into a *Studium Generale*[2]. The foundation-bull was obtained from Clement V in 1308[3], and it is significant of the usual connexion in Italy between a *Studium Generale* and *Universitates Scholarium* that the year before, as a preliminary to obtaining the Bull, the City formally recognised these Universities and bestowed upon their Rectors 'the same office and jurisdiction which Rectors have in Studia Generalia[4].' The Doctors were elected periodically by the City authorities in conjunction with the Rectors. At first of course these Professors were

[1] Rossi, Secolo xiii. Nos. 1–4. (All subsequent references to Rossi are to Sec. xiv).

[2] From documents of 1304 (Rossi, Nos. 1, 2) it appears that steps had already been taken with a view to the establishment of a Studium Generale: in *Brevi Annali della Città di Perugia* (*Archivio Storico Italiano*, XVI. pt. 1, p. 59) *sub an.* 1301 we find 'In questo millesimo cominciò in Perugia lo studio generale.'

[3] Denifle, p. 538 *note*: Rossi (No. 4) and others wrongly give 1307. This Bull simply decrees 'ut in Ciuitate predicta sit generale studium illudque ibidem perpetuis futuris temporibus uigeat in qualibet facultate,' without expressly conferring the 'facultas ubique docendi.'

[4] Rossi, No. 3.

persons who had already graduated at Bologna or some other 'famous Studium': and at this transition-period in the development of the medieval ideas about *studia generalia* it was not, it would appear, considered that the mere recognition of the School as a Studium Generale carried with it 'the right of promotion[1].' If that were so, the only practical benefit which the City had gained by its Papal Bull was that terms kept at Perugia could be counted towards graduation at another University, and that its beneficed students might obtain leave of absence from their Bishops. In 1318, however, the City succeeded in obtaining a fresh Bull from John XXII authorizing the promotion of Doctors in the legal Faculties, and in 1321 (when Perugia benefited by the great exodus from Bologna[2]) the privilege was extended to Medicine and Arts[3].

Fresh Bull in 1318.

Medicine and Arts.

In 1362 Nicolas Capocci, Cardinal Bishop of Tusculum, founded a *Collegium Gregorianum* (afterwards known as the *Sapienza Vecchia*) for forty scholars, of whom six were to study Theology[4]. This led to an application for the privileges of a Studium Generale in this Faculty also. The case of Perugia illustrates with great clearness what had been the position of theological studies in Italy before the erection of academic Faculties of Theology in the fourteenth century, and how far—

Collegium Gregorianum and the study of Theology.

[1] On Nov. 25, 1317 the subject was brought before a meeting of the Priores Artium and the Camerarii Artium: 'Cum aliquis sit qui offert dominis prioribus artium et comuni perusii se procuraturum privilegia studii et conventus comuni perusii a domino papa pro mille florenis de auro,' &c. (Rossi, No. 27). The Bull was granted on Aug. 1, 1318 (*ib.* No. 28). The Bull contains the unusual limitation that no one was to be admitted D.C.L. after less than six years' study or Doctor of Decrees after less than five, or without having 'read' two books of the Civil or Canon Law respectively as a Bachelor.

[2] Ghirardacci, II. 5; above, vol. I. p. 173.

[3] Rossi, No. 33. The dispensation from residence even without the licence of Bishop or Chapter was conferred in the same year. (No. 36.)

[4] Rossi, No. 101. The Cardinal gives as a reason for this last provision that 'diebus istis pauci clerici scolares reperiuntur qui sint doctf in sacra pagina sciantque populo proponere verbum dei.' For he goes on to remark, 'Quod aduocationis officium maxime in partibus Italie danpnationis (*sic*) est anime,' and consequently forbids the study of the Civil Law to more than six; the rest were to study Canon Law.

CHAP. VI, § II. that is to say, how little—their position was changed by these Papal Bulls. We find here that the students of the new College were by the Founder's statutes to attend the lectures of the Mendicants. At Perugia, as everywhere else in Italy, Theology had been abandoned to the Mendicants. Here and there a few secular scholars might be admitted to their lectures. The erection of a Studium Generale in Theology merely gave these students—and also the Mendicant teachers themselves—the opportunity of gaining the honours of the Doctorate in their own Schools.

Soon after the foundation of its University, in 1316, the citizens of Perugia were fortunate enough to secure the services of Jacobus de Belviso, one of the most famous Civilians of his age. The University was thus at once placed (so far as the distinction of a teacher could place it) on a level with Bologna and Padua, though the City did not succeed either by threats or bribes in preventing his being enticed away to Bologna. After five years' teaching, the fame which the University acquired was permanent. Though its students do not appear to have been at any time very numerous [1], the most famous Jurists of the fourteenth century at one time or other taught at Perugia. The Canonist Johannes Andreas, Bartolus the most famous of the later medieval Civilians, his pupil Baldus, and Gentilis, the founder of the Science of International Law, are only the most famous of the distinguished teachers who were attracted to the place by the exceptional liberality, energy, and discernment of the Perugian Municipality [2], by whom the whole or most of the salaried chairs were expressly confined to non-Perugian Doctors.

Jacobus de Belviso.

[1] The Matricula of 1339 contains 12 Doctors, 119 Scholars in Law, and 23 in Medicine. Rossi, No. 64.

[2] The records contain a series, probably unique in its completeness, of receipts for salaries and other documents relating to the conductiones of Professors. Sometimes we find Doctors nominated or elected by the Students, but the appointment was normally vested in five *Sapientes Studii* (who were apparently students) under the general control of the *Priores Artium*.

In 1355 the City obtained an Imperial Bull of erection in addition to the Papal charter which it had long possessed. This unusual step was apparently taken as a kind of advertisement for the University, which had suffered a temporary depletion in consequence of a recent outburst of the plague[1]. CHAP. VI, § 12. Imperial Bull of 1355.

The Statutes are derived from those of Bologna[2] as regards the orders and titles of successive paragraphs, but by the time of the extant edition (1457) they have suffered so much revision that the matter reproduced *verbatim* from Bologna is but a small proportion of the whole. The chief constitutional difference is that at Perugia not only are Ultramontani and Citramontani now merged in a single University, but the students of Medicine and Arts are likewise included in the same University and placed under the same Rector[3]. The Ultramontane Nations are France, Germany, and Catalonia; the Citramontane Rome, Tuscany, the March, and the Kingdom of Sicily[4]. The Rector's jurisdiction here extends to minor, but not to serious, criminal cases[5]. Statutes and Constitution.

§ 12. TREVISO (1318).

VERCI, *Storia della Marca Trivigiana e Veronese* (Venezia, 1786), prints the town-statutes relating to the Studium. These and some other documents relating to the hiring of Professors are now printed in MARCHESAN, *L'Università di Treviso* (Treviso, 1892), a history in which a very few facts are spun out into a book of 314 pages, exclusive of documents.

In 1263, four years after the downfall of the Ezzelino tyranny, the City of Treviso resolved on the re-establishment of a Studium, from which we may infer the existence of Schools at an earlier period. The resolution was carried out, but on a very small scale; since only one Doctor of Law Foundation.

[1] Rossi, No. 96.

[2] The resemblance to the earlier Bologna Statutes is much closer than to the printed Statutes of 1432.

[3] In 1389 the Doctors of Medicine were allowed to form a Collegium (Rossi, No. 241), but with the proviso that they were not to prevent others from practising in the place.

[4] Padelletti, pp. 64, 65.

[5] 'Levia autem volumus delicta intelligi, ubicumque arma non intervenerint.' Padelletti, p. 61.

CHAP. VI, § 13.

and one of Medicine were hired[1]. In 1314, however, steps were taken for the establishment of a Studium Generale, and no less than twelve Professors were elected; but some of the Professors whose services the City sought to attract would not accept the salaries offered; and the University had to open with a much smaller and inferior staff to what had been contemplated[2]. It was at first proposed to apply to the Pope for a Bull; but as a matter of fact the foundation-bull was obtained in 1318 from the Imperial claimant, Frederick of Austria (the rival of Louis of Bavaria) to whom Treviso at that time adhered[3]. But the University always remained insignificant. It is, indeed, doubtful whether it even survived the year of its formal erection. At all events the Venetian conquest of Padua, and the edict of 1407 forbidding Venetian subjects to study anywhere else, must have put an end to a Studium Generale (had such existed) in Treviso, which had formed part of the Venetian territory since 1339.

§ 13. PISA (1343).

FABRUCCI, four Dissertations in Calogerà, *Raccolta d' Opusculi scientifici e filologici*. Venezia, 1728–57, vols. XXII, XXIII, XXV, XXIX. FLAMINIO DAL BORGO, *Dissertazione epistolare sull' origine della Università di Pisa*, Pisa, 1765. FABRONI, *Historia Academiæ Pisanæ*, Pisis, 1791. The last is the most important and prints the Statutes.

The early School of Law.

The School of Pisa dates from at least the end of the twelfth century[4]. In the thirteenth century its fame was sufficient to attract students from Marseilles[5]; but it did not obtain the privileges of a Studium Generale till 1343, when a Bull was granted by Clement VI, conferring the privileges of 'Bologna, Paris, and other famous Studia

[1] Verci, II. 107, 108. Cf. a document of 1271; *ib.* II. Doc. p. 135: Marchesan, pp. 317–319. There was some considerable number of students here in 1271.

[2] Verci, VII. Doc. pp. 39, 46, 70, 71, 135, 142. Tacoli, *Mem. Stor. d. Reggio*, III. 226: Marchesan, pp. 319–343.

[3] Verci, VIII. Doc. pp. 147, 155: Marchesan, p. 343. Cf. Denifle, pp. 466, 467.

[4] A 'Nuntius Pisanorum Scholarium' is mentioned in a doc. of 1194. Fabroni, I. p. 401, Pisis. The expression suggests the existence of a *Universitas*.

[5] Fabroni, I. p. 15.

Generalia[1].' The application for this Bull was suggested by a great immigration of students from Bologna, which took place in consequence of the interdict laid on that City by Benedict XII in 1338[2]. The City was no doubt further influenced by rivalry with its enemy Florence, where attempts were being made to found a University. A scheme was proposed, hitherto unusual in Italy though common in Spain, for saddling the expenses of the Studium upon the ecclesiastical revenues of the diocese[3]. It would, indeed, have been wiser had the Church allowed its revenues to be systematically applied to educational purposes instead of encouraging individual students to study in the Universities while holding benefices (often with cure of souls) the duties of which they were unable to perform. The application was, however, refused by Benedict XII, but at a much later period we find Sixtus IV consenting to 5000 ducats being raised by a tax upon the clergy for the support of the Studium[4].

CHAP. VI, § 13. Bologna migration in 1338. Foundation.

For a short time after 1338 the Bologna colony kept the Schools of Pisa full. Even before the foundation-bull was granted, the twin Universities of *Ultramontani* and *Citramontani* reproduced themselves in Pisa, even if they did not exist before the migration[5]. Two of the most eminent Jurists of the century, Bartolus and Baldus, taught

Decline.

[1] Fabroni, I. pp. 404-6. A Bull allowing beneficed clergy to obtain leave of absence to study at Pisa was conferred at the same time. *Ib.* pp. 406-8. The Foundation was confirmed by Urban V, in 1364 (Denifle, I. 320). It should be observed that Bartolus speaks of lecturing 'in Generali Pisano Studio' in 1340, after the Bologna migration, but before the grant of the Bull. Fabroni, I. p. 49. From a diploma of 1438 it appears that the 'licences' were then conferred 'Apostolica et Imperiali auctoritate' (Fabroni, I. p. 62): but the way in which the opening of the Studium in 1343 is described (cf. also *ib.* I. 403) makes it very improbable that Pisa could have had an Imperial Charter before the Papal Bull, if such a document ever existed. The phrase is possibly a mere piece of Ghibelline sentiment. From Fabrucci, *Raccolta*, &c. T. XXV. x. it would appear that the formula was used in his day.

[2] Fabroni, I. p. 48. Cf. above, p. 9, *n.* 3.

[3] *Ib.* p. 46.

[4] *Ib.* p. 481.

[5] A *Rector Citramontanus* is mentioned in the year 1340. Fabroni, I. p. 60. From Fabroni, I. p. 93, however, it would appear that there were two Rectors, one of the Jurists, the other of the Medicals and Artists.

CHAP. VI, § 14.

here for short periods. But a combination of misfortunes destroyed the prosperity of the Studium a few years after its foundation. War, famine, and, above all, the Black Death of 1348, dealt a blow from which it did not recover till the following century. At times the Schools seem to have been altogether suspended [1]. The existence of the University again becomes traceable as the City began to recover from the effects of the Florentine conquest of 1406. Its second birth, however, dates from the year 1472, when the restoration of the University was undertaken by Florence. Pisa had to accept academic prestige as a substitute for departed glory and decaying commerce.

Revived by Florence in 1472.

In 1472 the Florentine University was dissolved [2]: Pisa assumed the position of the University Town of the conquering State, and soon became one of the leading Universities in Italy, second perhaps to none but Padua. It was no doubt the policy of Florence, as of Venice in its relations to Padua, to keep up the population of its subject Town in a way which would be politically harmless. A very ample jurisdiction was allowed to the Rector, extending to all civil cases and all criminal cases short of theft or homicide [3].

§ 14. FLORENCE. (1349.)

The most important authority is GHERARDI, *Statuti della università e studio Fiorentino* (with a 'discorso' by C. MORELLI), Firenze, 1881—a magnificent edition. There are two articles by RONDARI (*Ordinamenti e vicende principali dell' antico studio Fiorentino*) in *Archivio Stor. Ital.*, Ser. IV. p. 14, 1884. PREZZINER, *Storia del pubblico studio e delle società scientifiche e letterarie di Firenze* (Firenze, 1810), deals chiefly with the careers of the Professors.

The reader will probably learn with some surprise the late origin and comparatively small prosperity of the Uni-

[1] Fabrucci, *Raccolta*, &c. T. XXV. p. xi *sq.*

[2] See the Decree, Fabroni, I. p. 409.

[3] Fabroni, I. p. 442. It should be observed that thrice in the course of the fifteenth century the University was temporarily transferred, thrice on account of plague—in 1479 to Pistoja, in 1482 and 1486 to Prato—and again to Prato in consequence of the revolt from Florence in 1495. Fabroni, I. p. 86 *sq.*

versity of a City which occupies so high a place in the history of Italian culture as Florence. While in most of the chief Towns of North Italy we find Law-teachers salaried by the Commune throughout the thirteenth century, at Florence we find no trace of salaried Professors even in Grammar, Arts, and Medicine before 1320. In the following year, when Bologna was under interdict in consequence of the Revolution under Taddeo Pepoli, an attempt was made to establish a Law-school and to obtain the privileges of a Studium Generale. The main body of the seceders from Bologna had established themselves at Imola. Thither in the accustomed Italian manner envoys were despatched by Florence to bribe away the discontented Professors and their scholars with liberal offers of salaries, privileges, and full respect for the Rectorial jurisdiction [1]. Unfortunately the envoys of the Republic arrived too late. The most distinguished Professors had already entered into a contract with Siena, and the bulk of the students followed them thither[2]. Other Professors were secured and Law-lectures established at Florence; but no further steps were taken for another generation to procure a Papal Bull[3]. The Studium Generale was not actually established till 1349, when the idea was revived, partly no doubt by jealousy of Pisa, and partly (as was alleged) by a desire to repair the deficiency of population due to the great plague of the preceding year. Clement VI granted the customary Bull for all Faculties[4]. But the same ill-luck which had attended the Republic at Imola in 1322 seems to have pursued all its subsequent efforts to make Florence a leading University. Neither pains nor money were spared. An annual sum of 2500 florins was set aside for the expenses of the Studium[5]. Conservators were appointed, and distin-

Attempts to secure Bologna seceders in 1321.

Foundation of University.

[1] *Statuti*, pp. 107-111.

[2] See above, p. 29.

[3] Denifle, I. 554-9.

[4] *Statuti*, p. 116: Matteo Villani, *Chron.* I. cap. 8 (ed. Moutier, Firenze, 1825, I. p. 15). Soon after the foundation of the Studium we learn that the salaries were suspended on account of the expense to the Commune, but they were resumed in 1357, Villani, *Chron.* VII. 90 (III. p. 325).

[5] *Statuti*, p. 113.

CHAP. VI, § 14.

guished Professors were at times secured, but they would not stay. At one time Perugia robbed it of Baldus[1]; at another Bologna enticed away Angelus of Perugia, even before the completion of the two years during which he was bound by oath to lecture at Florence[2]. Her own illustrious citizen Petrarch resisted all the importunities by which Florence tried to entice him away from his canonry at Padua[3]. Like other Republics, too, Florence imitated the bad example set by the despot Frederick II, and forbade its citizens to study elsewhere than in their own University[4]. Like Siena, Florence also obtained a Privilege from Charles IV in 1364[5], and in 1429 a 'domus sapientiæ' for poor scholars was established[6]. Soon afterwards Martin V sanctioned a tax on ecclesiastical property for the benefit of the Studium[7]. All these measures failed of more than a very moderate degree of success. The University never attained the position among the Studia of Europe which the rank of Florence among Italian cities might have been expected to secure for it. After the middle of the fifteenth century the Law School seems to have died out altogether[8]. For many years together only a few Grammar Masters received salaries from the Republic. At length in 1472, under the guidance of Lorenzo dei Medici, the experiment was abandoned, and the separate existence of the University merged in that of the more successful and prosperous Pisa, which was now placed under the government of a board of Florentine officials[9]. The resolution of the Signory suggests at least one reason[10] for the failure

Superseded by Pisa, 1472.

[1] *Statuti*, p. 302.
[2] *Ib.* p. 356 *sq.*
[3] *Ib.* pp. 283, 285, 306, 309.
[4] *Ib.* p. 115.
[5] *Ib.* p. 139.
[6] *Ib.* pp. 210, 215, 221 *sq.*
[7] *Ib.* p. 218.
[8] *Ib.* p. 260 *sq.* There are only one or two isolated elections of Law Professors after 1450.
[9] Fabroni, I. pp. 411, 440. We also hear of a Florentine *Provisor*, *ib* p. 78. In 1350 Florence had appointed for its own Studium: 'Octo prudentes viros cives florentinos, populares et guelfos.' *Statuti*, p. 123.
[10] Fabroni, I. p. 409: *Statuti*, p. 273. It also remarks that the delights and attractions of the city proved unfavourable to study. This would be likely to be especially the case with the sons of Florentine citizens.

of the University—the scarcity and dearness of houses. It was the very wealth and commercial prosperity of the City which proved fatal to the Studium. Of course such a consideration would not have prevented students from coming to Florence had its University ever achieved any extraordinary academic prestige. But when hotels were cheap and abundant at Bologna and Padua, what inducement was there to students to desert those ancient and famous schools for a dearer residence in the unhistorical Florentine University? On the other hand at Pisa, as the document goes on to recite, the declining prosperity of the place and the departure of its wealthiest inhabitants, had left an abundance of good houses empty. This is not the only instance in which we find the endowment of the University promoted as a means of resuscitating a decaying City.

The University and the Renaissance.

In the old, traditional, professional studies of the mediæval world the University of Florence occupied but a secondary position. The plan of this work prevents us from dwelling upon the place of Florence in the history of the Renaissance. It must suffice to record the bare facts that its University was the first to establish a Chair of Poetry with the especial object of providing lectures upon Dante, and that the first occupant of that Chair was the illustrious Boccaccio (1373–4)[1]. Florence was also the first University in Europe to provide a Professorship of Greek. In 1360 Leontius Pilatus lectured in Florence upon Homer[2], and in 1396 Manuel Chrysoloras was elected to a Chair of Greek at a salary of 100 or (according to one document) 150 florins, soon afterwards raised to 250 florins, a sum far exceeding any salary then paid to a Doctor of Law or Medicine in the same University[3]. In 1404 we seem to trace a sort of anticipatory breath of the Savonarola spirit in the election of the preacher and Humanist John Dominic of Florence to a lecture on the Epistles of S. Paul. It is

[1] *Statuti*, pp. 161, 345.

[2] Prezziner, p. 16; but there is no trace of any regular appointment to a salary in the documents.

[3] *Statuti*, pp. 365, 370. Cf. p. 376.

CHAP. VI, § 14.

probable that this Friar was no mere scholastic *Biblicus*, but one who would have sought to interpret the real thought of S. Paul to his generation. It is not surprising, therefore, to learn that his superiors prevented his accepting the offer[1]. Many other names of great eminence in the history of Humanism occur among the Professors of the Medicean period, but the University as such played a smaller part in the humanistic movement than might naturally have been expected. Universities, at least in Italy, were above all things places of professional study, and their Professors were long the enemies of Humanism. The connexion of some of its representatives with the University of Florence was thus little more than an accident of its history, and just at the brightest period of Florentine literary history, the University disappeared from Florence altogether.

Increase of State control.

The Statutes of Pisa and Florence[2] supply us with good illustrations of the increasing tendency during the fourteenth and fifteenth centuries to place the Universities more and more completely under the control of State boards of *Reformatores* or *Officiales*. The change was indeed a corollary of the system of State-paid *Salaria*. The autonomy of the students was originally founded upon the power of the purse. When that power passed to the State, the real control of the Studium passed with it. The Rector, elected by the students from their own body, is still the superior of the Professors: but the Professors are now more and more relieved from their humiliating dependence on the students by the subjection of both to the State authorities. At Bologna, as we have seen, a committee of students watched over the conduct of Professors, and reported to the Rector[3]. At Pisa the Bedels are

[1] *Statuti*, p. 380. Cf. Echard, *SS. Ord. Praed.* I. p. 864.

[2] The Statutes of Florence are largely copied from those of Bologna.

[3] See above, vol. I. p. 199. So as late as 1387 at Florence. *Stat. Fiorent.* p. 34. Yet earlier (1366) we find the Officiales secretly taking evidence from the scholars as to whether the Doctors observe the regulations of the 'Priores et Vexilliferi justitie et Collegia,' *ib.* p. 153.

entrusted with the duty of noting the attendance and punctuality of Professors, and they report not to the Rector but to the *Officiales*[1]. Even where the old system continues, the choice of Professors everywhere passed practically if not theoretically to the State[2].

Fusion of all Universities into one.

Another constitutional change of great importance may be traced in the Statutes of the fifteenth-century Italian Universities. Originally each Universitas was a perfectly separate and independent guild. At a very early period, however, the four *Universitates* of Jurists at Bologna, Padua, and elsewhere were reduced to two, and these two became practically amalgamated into one Society under the joint headship of two Rectors. We have already noticed the difficulty which was experienced, as Universities multiplied and the number of rich students at each was proportionately diminished, of finding a sufficient number of residents able and willing to take the Rectorship. The fifteenth century Statutes are full of provisions for compelling unwilling candidates to fulfil the office. At Florence, for instance, the Rector-elect is required to give security that he will not leave the town before the expiration of his year of office. In the event of refusal, military force is to be invoked and the recusant committed to prison[3]. It thus becomes easy to understand the tendency to limit the number of Rectors. Consequently we find that the Ultramontane and Citramontane Rectorships have nearly everywhere been fused into one by the end of the fifteenth century, while frequently, as at Pisa and Florence, there is but one Rector of the whole Studium[4]. This change, facilitated no doubt by the increasing subordination of all the Univer-

[1] Fabroni, I. p. 448.

[2] *Stat. Fiorent.* p. 50: 'Quorum omnium Doctorum et magistrorum electionem, pro meliori et maiori Universitatis nostre commodo et honore, in totum decernimus relinquendam et relinquimus in manibus et prudentia . . . dominorum Officialium et Gubernatorum huius almi Studii.' There were, however, still some minor Lectureships left to the students, *ib.* p. 51.

[3] 'Alioquin Rector antiquus manu militari compellat, et aliis quibuscumque remediis, si opus fuerit, carceribus mancipando.' *Stat. Fiorent.* p. 15.

[4] *Stat. Fiorent.* p. 14; Fabroni, I. pp. 93, 440.

CHAP. VI, § 14

sities to the State, tended to bring the Studia more into conformity with the Parisian pattern. The separate Colleges of Doctors and the separate Universities of students were alike transformed into mere Faculties of a single University.

University Buildings.

Another consequence of the altered relation of the Universities to the State was the erection of magnificent University buildings or the dedication to University purposes of some palace or public building already existing. We have seen how in the earliest days of Bologna the Schools were mere private rooms hired by the Professors and paid for by a *collecta* from his students. For Congregations or great public functions a Convent or Church was borrowed. As the expenses of the Studium came to be more and more transferred from the students to the State, the rent came to be paid by the City governments: but still the buildings were as a rule merely hired. At times more dignified lecture-rooms were obtained by renting rooms in a Convent. This was at one time the case for instance at Ferrara and at Pisa[1]. But at the end of the fifteenth century we find a tendency to establish the University —all Faculties together—in a handsome building. The University had come to be looked upon as a State institution: it was fitting that it should be as well housed as the Municipality itself. Thus at Pisa the Corn-Exchange was turned into a great University building by Lorenzo dei Medici in 1492. And in the course of the following century a similar transformation took place in all the Italian Universities, and to some extent in the Transalpine Universities also. At Pisa the same building accommodated a College or Sapienza for poor students, founded by Lorenzo dei Medici[2].

[1] Fabrucci, *Raccolta*, T. XXI. p. 26. [2] Fabroni, I. pp. 63–8.

§ 15. PAVIA (1361).

GATTI, *Gymnasii Ticinensis historia et vindiciæ a sæc. v usque ad finem xv*, (Mediolani, 1704), the character of which is sufficiently indicated by the title. SANGIORGIO, *Cenni storici sulle due Università di Pavia e di Milano.* Milano, 1831. VOLTA, *Dei Gradi academici conferiti nello 'Studio Generale' di Pavia sotto il dominio Visconteo* in *Archivio Storico Lombardo*, Ser. ii. 1890, p. 517 *sq.* is a valuable article. The *Memorie e documenti per la storia dell' Università di Pavia* (Pavia, 1878, 1877), contain a large collection of mostly very modern documents (with biographies of Professors), but add little to the medieval materials. No Statutes appear to be extant.

Ancient School of Law.

Pavia was famous as a School of Law even before the first dawn of the scholastic reputation of Bologna[1], but all trace of these early Schools is lost before the twelfth century, and there is no continuity between them and the Schools which eventually developed into a University. The revival of a Law-school at Pavia by the *Commune* seems to date from the beginning of the fourteenth century, when Johannes Andreæ includes it with Bologna, Padua, and Perugia, as among the most famous Schools in Italy[2]. Its erection into a Studium Generale (with the privileges of Paris, Bologna, Oxford, Orleans, and Montpellier) was obtained from Charles IV in 1361 by its tyrant Galeazzo Visconti II[3]; and in 1389 a similar Foundation-bull was granted by Boniface IX (which entirely ignores the previous Imperial Bull), and another conferring the privilege of dispensation from residence[4]. There was a University of Medicine and Arts as well as of Law: and Pavia for a time took a respectable place among Italian Studia. We have seen that in 1398 a University was established at

Foundation of University.

[1] See above, vol. I. p. 106 *sq.*

[2] 'Studia Italie facundissimis et clarissimis doctoribus floruerunt, nam hoc Bononiense studium tunc habuit Ja. Butrigarium in legibus . . . etiam alia studia sc. Paduanum, Papien. et Perusinum facundissimis doctoribus claruerunt.' (Ap. Denifle, I p. 577.) Kaufmann (I. p 387) makes Pavia a Studium Generale at this time (*i.e.* before 1348) with somewhat better reason than in the case of some other of his emendations of Denifle's list: but a flourishing Studium was not necessarily general.

[3] Gatti, p. 129: Sangiorgio, p. 40: *Memorie*, pt. ii. p. 2.

[4] Gatti, p. 139: *Memorie*, pt. ii. pp. 4, 6. As to the project for transferring the Studium to Piacenza in 1398, see above, pp. 36, 37. The Edict is given in Gatti, p. 138, but can hardly have been executed.

CHAP. VI, § 15. Vicissitudes.

Piacenza, and the University of Pavia formally transferred to that city. The actual effect of this measure was apparently to reduce the University at Pavia to a very low ebb, but not to entirely extinguish it except during part of the years 1400 and 1401, when the Doctors of Pavia seem to have transferred themselves to Piacenza[1]. After the death of Gian Galeazzo in 1402, when the prosperity if not the existence of the University at Piacenza came to an end, a University again becomes traceable at Pavia, but it again sank to a very low ebb in consequence of the political confusion which followed the break-up of Gian Galeazzo's dominions[2]. It had no doubt practically ceased to exist by 1412, when its restoration was undertaken by Filippo Maria Visconti, who in that year succeeded to the Duchy of Milan in addition to his County of Pavia. It is not, however, till about 1421 that the graduations seem to have become numerous or the University to have entered upon a period of permanent prosperity[3]. The edict which Galeazzo Visconti had published in 1361[4], forbidding his subjects to study elsewhere than at Pavia, was renewed. Pavia became the University Town of the Milanese, as Pisa had become the University Town of Florence, and Padua of Venice. But the students of Pavia were by no means exclusively drawn from the immediate neighbourhood. German students still retained the habit of studying in Italy, and Pavia is especially mentioned with the more famous Padua as a University which they frequented[5]. Here, as at Pisa and elsewhere, commercial and political decline contributed, by emptying the good houses of the town, to secure academical success[6].

[1] *Memorie*, pt. i. p. 6 *sq.*: Volta, p. 545. See above, pp. 4, 35.

[2] Denifle (I. p. 581) declares that the University at Pavia ceased to exist in 1404, but the list of Rectors in *Memorie*, pt. i. p. 7, is continued till 1409.

[3] *Memorie*, pt. ii. p. 9 *sq.*: Volta, p. 555 *sq.*

[4] Gatti, p. 134: Sangiorgio, p. 42: *Memorie*, pt. ii. p. 3 (Renewed in 1392. *Ib.* p. 8).

[5] Æn. Sylvius, *Ep.* 40 (*Opp.* Basileæ, 1571, p. 526).

[6] 'Nam ipsa civitas et domus sunt plerumque vacuæ et inhabitatæ, et mercatum de pensionibus domorum habemus pro libito.' Petrus Azario, *Chron.* p. 291, ap. Sangiorgio, p. 41.

§ 16. FERRARA (1391).

BORSETTI, *Historia Ferrariæ Gymnasii*, Ferrariæ, 1735; GUARINI, *Ad Ferr. Gymn. Hist. per Borsettum conscriptam Supplementum, etc.* Bononiæ, 1740, 1741. Guarini corrects many of Borsetti's uncritical assumptions. There is an ineffectual *Defensio* by Borsetti (Venetiis, 1742). The Statutes of the University of Arts and Medicine are printed by Borsetti, I. p. 364. EFISIO, *Notizie Storiche sulle Università degli Studi in Ferrara*, Ferrara, 1873, is a very slight affair.

Foundation.

There were Schools in all Faculties except Theology at Ferrara at least from about the middle of the thirteenth century, but the Studium did not become general till 1391. In that year the Marquis Albert of Este took the opportunity offered by a state visit to Boniface IX., as whose Vicar he nominally ruled, on occasion of the Papal Jubilee, to ask for the privileges of a Studium Generale in all Faculties. A Bull was accordingly granted [1] conferring the privileges of Bologna and Paris. The burden of the salaries, however, proved too heavy for the resources of the Town: which three years later petitioned the Marquis to release it from the obligation [2]. Another unsuccessful attempt was made to renew the Studium in 1402 [3]: but the real resurrection of the University does not begin till 1430, when the movement for a restoration of the University originated with the city government. A contract was entered into with the Humanist John de Finotis, then teaching at Bologna, to transfer himself and his pupils to Ferrara [4], and in 1431 the still more famous Guarinus of Verona was hired; and after the more elaborate Reformation of 1442 [5] the University rapidly became a flourishing Studium, though its celebrity was not of the highest

Revival in 1430.

[1] Borsetti, I. p. 18. The story of the earlier foundation or transference of the University of Bologna to Ferrara, accepted by Borsetti, rests upon no authority. See Guarini, I. p. 13. As an illustration of the received notion as to the Imperial prerogative, it is noticeable that Frederick III in person conferred the Doctorate and its insignia upon a student at Ferrara. Borsetti, I. p. 77.

[2] Jacobus de Delayto in Muratori, *Rer. Ital. SS.* XVIII. 909.

[3] *Ib.* p. 973. Denifle, I. 323 *sq.*

[4] Borsetti, I. p. 29 *sq.*

[5] Borsetti, I. 47 *sq.*

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kind. It had the reputation of a place where degrees could be had cheaply. Indeed, by the sixteenth century it had acquired the sobriquet of 'the refuge of the destitute[1].'

Equivocal reputation.

Government.

In 1474 there were no less than twenty-three salaried Professors in the Faculty of Law, and twenty-nine in that of Philosophy and Medicine[2]. A body of Reformatores—appointed partly by the Duke, partly by the Municipality—was entrusted with the general government of the Studium, including that most important function of academical government, the appointment of Professors[3] and the contracts for their salaries. But the constitution closely follows that of Bologna, and the student-ascendancy is fully maintained. The Rectors possess jurisdiction in all civil suits of students, and in minor criminal cases where a scholar was defendant[4]. Among the distinguished Professors of Ferrara in the fifteenth century were the Humanist Agricola and the Theologian Cochlæus[5]: among its most distinguished students the poet Ariosto[6].

§ 17. TURIN (1405).

PINGONIUS, *Augusta Taurinorum*, Taurini, 1577. SAULI, *Sulla condizione degli Studi nella Monarchia di Savoia* in *Memorie della R. Academia delle Scienze di Torino*, Ser. ii. T. VI, (1844), p. 152 *sq.* VALLAURI, *Storia delle Università degli Studi del Piemonte*, Torino, 1845, 1846. *Cenni storici sulla R. Università di Torino*, Roma, 1873. Of these works Vallauri's is the most important. Some documents are printed in *Monumenta Historiæ Patriæ* (Leg. Mun.) T. I, Aug. Taurin., 1838.

Foundation.

The University of Turin was founded in 1405 by Louis of Savoy, Count of Piedmont and Prince of Achaia, with a Bull from Benedict XIII[7]. The Bull recites that the

[1] See above, vol. I. p. 228, n 1.

[2] Borsetti, I. p. 93.

[3] Borsetti, I. pp. 90, 115.

[4] Borsetti, I. p. 406 *sq.* In more serious cases the Rector was to ask that a scholar should be amenable to the jurisdiction of the Duke in person and of him only. The Rector is to aid the defendant in his defence, and a scholar may not be tortured or 'in persona puniri' without his consent.

[5] Borsetti, I. p. 57. The Statutes of the College of Theologians, though placed by Borsetti in the seventeenth century (*l. c.* p. 62), are interesting: it is worthy of note that the College claims precedence for its Dean above the Rectors. Guarini, however, gives the date 1467. (I. 23.)

[6] Borsetti, I. p. 130.

[7] Vallauri, I. 242.

reason of the foundation was the war which was then devastating Lombardy and silencing its Universities—that is to say, the war which followed the partial break-up of the Visconti tyranny upon the death of Gian Galeazzo in 1402. From these troubles Turin was free, and in that City the unemployed Professors of Pavia and Piacenza were glad to take refuge. The University obtained a further charter from the Emperor Sigismund (in which Theology was included) in 1412[1], and another in the following year from John XXIII[2], who had by that time been recognized in Piedmont. CHAP. VI, § 17.

After the death of the Founder in 1418 the University languished[3]. It was restored by Amadeo VIII in 1424[4], but in 1421 it appears to have been *de facto* transferred to Chieri, though it was not till 1427, when all efforts to 'reform' the Studium in Turin had failed[4], that the Duke's formal assent to the change was obtained[5]. At Chieri the University remained till 1434, when the Commune became unable or unwilling to pay the *stipendia* with which they had been saddled by the Duke. Accordingly the Studium was again moved to Savigliano till 1436, when it returned finally to Turin[6]. Upon its return it received a new Charter from the Regent Louis, in the name of the reigning Duke Amadeo VIII, in which it is provided that the Town shall pay an annual grant of 500 florins towards the expenses of the Studium, to be defrayed by a bridge-toll, while the Duke promised 2000 florins to be raised by a salt-tax. The University was placed under

Transference to Chieri in 1421,

and thence to Savigliano, 1434.

Return to Turin.

[1] Vallauri, I. 243.

[2] Vallauri, I. 258.

[3] Sauli, p. 154; Vallauri, I. 52 *sq.* In 1421 the clergy who had been taxed for the support of the Studium petitioned to be released from the burden as a Studium no longer existed at Turin (Vallauri, I. p. 259): while the Commune of Chieri voted salaries. (*Ib.* p. 57.)

[4] Vallauri, I. 251: *Mon. Hist. Pat.* (Leg. Mun.) I. c. 478.

[5] Vallauri, I. 261 *sq.* After much further dispute between the two sities, the Duke in 1429 gave a final decision for Chieri. (*Ib.* p. 269.)

[6] Vallauri, I. pp. 68 *sq.*, 275 *sq.* The move to Savigliano is usually ascribed to the plague having reached Chieri, but Vallauri points out that this was not till 1435, while the migration took place in 1434. A new Bull was granted by Eugenius IV in 1438. and another by Felix V in 1441. *Ib.* pp. 304, 305.

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a body of *Reformatores* named by the Duke. There were to be at least two Canonists, four Doctors of Civil Law, one of Law and Medicine combined, and one of Theology[1]. A Collegio Grassi or Sapienza for poor scholars was founded in 1457[2], and another College by Sixtus IV in 1482[3]. Turin was never during our period one of the leading Italian Universities, but many Jurists of considerable repute taught in it, and its reputation steadily increased during the latter half of the fifteenth century[4].

§ 18. CATANIA (1444).

AMICO, *Catana illustrata*, Pt. ii. Catanæ, 1741, p. 302 *sq.*: CORDARO CLARENZA, *Osservazione sopra la Storia di Catania*, Catania, 1833, p. 202 *sq.*: AMARI, *Sul diritto che ha l' Archiginnasio di Catania di essere reconosciuto Università di prima classe*. Ed. 2, Catania, 1867.

Foundation.

In 1434 a petition was presented to Alfonso the Magnificent, King of Aragon and Sicily, on behalf of the Senate of Catania by the Catanian Jurist Pietro Rizzari, asking for a Studium Generale in his native town. The petition was eventually granted, and in 1444 a Bull for its erection was obtained from Eugenius IV[5]. The Bull is in a rather unusual form. It gives the citizens of Catania power to found a Studium Generale in all Faculties (with the peculiar addition 'and other liberal Arts, as well Greek as Latin'), on the model of Bologna, and confers upon it the privileges belonging to Studia Generalia 'by common law.' The clause relating to Greek letters is probably due to the survival of the Greek rite and language in Sicily and to the attempted fusion of East and West by the recent Council of Florence, rather than to any Renaissance ideas. There is no express grant of the *jus ubique docendi*. The Bull was immediately published with a royal edict actually establishing the Studium. The King

Endowment.

[1] Vallauri I. p. 289 *sq.*

[2] Vallauri, I. p. 318.

[3] Vallauri I. p. 325.

[4] Erasmus took his D.D. here in 1506. Sauli, p. 166.

[5] *Catana illustrata*, p. 304. Cordaro Clarenza and Amico seem disposed to connect the University with the ancient School founded by Charondas and 'illustrated' by Stesichorus!

made a grant of 1500 ducats out of a local tax towards the cost of the Studium; but the main part of the expense was borne by the City, in whom the whole government of the Studium was vested by the Papal Bull[1]. The Bull also speaks of the intention of the Municipality to found a College or Colleges for poor Students. CHAP. VI, § 18.

There seems to be no reason to believe that this last part of the plan was ever carried out. But there can be no doubt that the University came into actual existence, with Rizzari as one of its Professors[2], and its continued life is attested by confirmations of privileges in 1458 and 1494[3]. In 1515 a Royal edict speaks of the 'tenuity of salary, and penury,' and consequent incompetence of the Professors at Catania, and decrees that the Studium shall be 'reformed' and the salaries paid in full, 'as they used to be of old time to capable and sufficient persons, and that lectures shall be read as they used to be[4].' Subsequent history.

Summing up the results of our survey of the Italian Universities, we shall find it possible to point out their characteristics with more definiteness and precision than will be the case with the Universities of any other country. Summary.

(1) If the early-extinguished Arezzo and the wholly eccentric or abnormal Universities of Naples and of the Roman Court are put aside, they are all modelled on a single type. That type is of course the University of Bologna. In Italy alone do we find the University of 'foreign' students in its pure and unqualified form[5]. In most cases the extant Statutes are more or less closely copied

[1] *Catana illustrata*, p. 313 *sq.*

[2] Cordaro Clarenza, III. p. 204.

[3] Amari, p. 16, who refers to Coco, *Leges a Ferdinando latæ* &c. f. x.

[4] *Catana illustrata*, pp. 362, 363. The edict begins with the preamble 'Cum non paucæ pecuniarum summæ a Regno extrahantur, quod Siculi in aliis mundi partibus studiis vacare compellantur,' which no doubt supplied one motive for the multiplication of Universities elsewhere.

[5] Even in the most democratic Spanish Universities the power of the Chancellor constitutes a difference.

CHAP. VI, § 18.

(often to a large extent *verbatim*) from those of Bologna; and, where the Statutes are not preserved, the same indebtedness may safely be inferred.

(2) The second most conspicuous characteristic of this group of Universities is their municipal character. Wherever their origin is distinctly traceable, all except Bologna are found to be due to the initiative of the City or its ruler, whether acting independently or in concert with a body of seceders from Bologna or one of its elder daughters: while, at least from the end of the thirteenth century, the Professors are largely supported by the Municipality, and are increasingly subject to civic control and supervision. Though in later times the policy of the free Cities was often imitated by a tyrant, the Italian University system may be said to be the outgrowth of civic life. The Neapolitan and Roman Universities are of course exceptions, but they form no exception to, and may even have contributed to promote, the close connexion of the Universities in Italy with the State.

(3) The third most important characteristic of the Italian Universities — though this is a less distinctive feature than the two last—is the prominence of legal studies, to which may be added the hardly less important fact that the second place in the University was everywhere occupied by Medicine, to which the study of Arts was completely subordinate, while Theology at first stands altogether apart from University organization, and afterwards enters into but a slight and formal connexion therewith. The Italian Universities were primarily the homes of Law and of Physical Science.

(4) All the three peculiarities above-mentioned were connected with a fourth—the *comparatively* unecclesiastical character of the Italian Universities. Except of course the University of the Court of Rome, they were under no further ecclesiastical control than was implied in the Papal Bull of erection and in the (wholly formal) conferment of the Licence by the Archdeacon or the Bishop. Where (chiefly during their earlier history) we find Papal interference with

their internal affairs, the interference is rather political than strictly ecclesiastical. In his relations with the Italian Universities the Pope acts rather as one of the rival claimants to Italian Sovereignty than as the head of the ecclesiastical order: and here, as in other spheres of Italian life, the prominence of the Papacy in Italy dwarfs the importance of lesser ecclesiastical authorities[1].

In the next chapter I shall proceed to consider the group of Universities which on the whole exhibits the closest approximation to the Italian type—the Universities of the Spanish Peninsula.

[1] What distinctly ecclesiastical interference there is arises from the jurisdiction exercised by the Church over all Guilds and the oaths by which they were constituted.

THE UNIVERSITIES OF SPAIN AND PORTUGAL.

CHAPTER VII.

THE UNIVERSITIES OF SPAIN AND PORTUGAL.

The account of the Spanish Universities in SCHOTTUS, *Hispaniæ Bibliotheca seu de Academiis ac Bibliothecis* (Francofurti, 1608, I. p. 28 *sq.*), contains very little history; and ZARATE, *De la instrucción pública en España* (Madrid, 1855), is almost equally useless. DE LA FUENTE, *Historia des las universidades, colegios y demas establecimientos de enseñansa en España* (Madrid, 1884-9), contains valuable documents, and forms (with the most important original researches of Denifle) my chief authority for many of the Universities.

§ 1. PALENCIA (1212–1214).

The most important authority is D. RAFAEL DE FLORANES, *Origen de los estudios de Castilla, especialmente los de Valladolid, Palencia y Salamanca,* Año 1793, ap. *Colección de Documentos inéditos para la Historia de España,* T. XX. (Madrid, 1852), to which de la Fuente (I. pp. 76–84) adds nothing. CLODULFO PELEAR ONTIZ, *La Historia de Palencia y la Universidad Palentina* (Palencia, 1881) is a popular sketch.

THE earliest University which can in any sense be said to have been founded at a definite time by an act of sovereign power, is the University of Palencia in Old Castile. The founder was King Alfonso VIII[1] of Castile, and the date 1212–1214. We must, however, be careful not to

[1] 'Rex Adefonsus evocavit magistros theologicos, et aliarum artium liberalium, et Palentiæ scholas constituit procurante reverendissimo et nobilissimo viro Tellione eiusdem civitatis Episcopo.' Lucas Tudensis (†1249) ap. *Hispania Illustrata*, ed. Schottus, T. IV. (Francofurti, 1608), p. 109. 'Sapientes e Gallia et Italia convocavit, ut sapientie disciplina a regno suo nunquam abesset, et magistros omnium facultatum Palentie congregavit, quibus et magna stipendia est largitus' (Rodericus Toletanus, *ib.* T. II. p. 128; text corrected by Denifle, I. p. 474). Tello did not become Bishop till 1212, so that the traditional date, 1200, preserved by an inscription in the University building at Salamanca, is demonstrably false. Cf. Denifle, I. p. 474. The hypothesis of a much earlier origin of the school of Palencia, adopted by Floranes, &c., is founded on a false reading.

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exaggerate the difference between the mode in which the University arose at Palencia, and the mode in which the earlier, spontaneously developed Universities came into being. On the one hand there was already an old Episcopal School here of considerable importance, presided over by the Magister Scholarum of the Cathedral. S. Dominic studied both Arts and Theology at Palencia about the year 1184[1]. On the other hand, no formal deed of foundation was issued by Alfonso or procured from the Pope. Alfonso's part in the foundation consisted in the invitation of Masters from more famous Schools, no doubt from Paris and Bologna, to come to Palencia and teach for salaries. Alfonso has, indeed, a better claim to be considered the first founder of endowed Professorships than the first founder of a University; and the credit for the suggestion of this original step is due to his Councillor, Tello, Bishop of Palencia. As yet the idea that a Charter from Pope or King was necessary to originate a University, and the idea that such a Charter could artificially impart some at least of the prestige of a Paris or Bologna Mastership to the graduates of a less distinguished School, were alike undeveloped. Indeed it is not clear that any change took place in the constitution or organization of the old Cathedral School, in consequence of this enlargement of the scope of its instruction. It is probable that the new Masters would introduce the custom of Inception and the institution of a magisterial Guild which had by this time fairly taken root at Paris, if such an institution had not spontaneously developed itself at Palencia; but on this point we have no evidence. We have no evidence, again, as to whether Palencia degrees at this early period actually obtained any sort of ecumenical recognition: but on the whole it is clear that the Studium

[1] 'Missus Palentiam, ut ibi liberalibus informaretur scientiis, quarum studium eo tempore vigebat ibidem; postquam ... eas, ut sibi videbatur, satis edidicit, relictis iis studiis ... ad theologiæ studium convolavit.' *Vita auctore B. Jordano, A. SS.* Aug. T. I. p. 542; Echard, *SS. Ord. Prædicatorum*, I. p. 3. Another thirteenth-century life of the Saint says expressly, 'Palentiam, ubi tunc temporis studium generale florebat' (*A. SS.* Aug. T. I. p. 388; Echard, I. p. 26).

erected or designed by Alfonso VIII was meant to embody the vague ideas then expressed by the term Studium Generale[1]. The teaching was teaching of the kind imparted at Paris, Bologna, and Oxford, and it was intended to attract students from all parts. CHAP. VII, § 1.

It appears that Masters of Theology, Canon Law, Logic and Grammar[2] actually began teaching at Palencia; and that is the only sense in which the University can be said to date from 1212–1214. For in the last-mentioned year the Founder died: and the execution of his design was suspended till the accession of Ferdinand III. In 1220 that monarch asked and obtained from Honorius III leave to use for the payment of Masters a fourth part of that third of the ecclesiastical property in the diocese which was in Spain assigned to the maintenance of the fabrics[3]. At the same time the Pope solemnly took the Masters and scholars of Palencia under his protection; but nothing that can be properly called a Bull of foundation was issued, nor was any special privilege conferred on Masters licensed at Palencia over and above what would then have been enjoyed by Masters licensed in any other Cathedral-school. The first privilege, as distinct from endowment, conferred upon the Masters was derived not, as was usual in later times, from the Holy See, but from the Synod of Valladolid, which in 1228 enacted that teachers and scholars of Theology at Palencia might claim a dispensation from residence for five years[4]. Revivals and extinctions.

The brief history of the University of Palencia is, like that of so many of the early Italian Studia, a mere succession of extinctions and revivals. It still existed in 1243[5]. By Extinction, *c.* 1250.

[1] Denifle calls Palencia the first University in Spain, and groups it among the 'Hochschulen mit kaiserl. oder kōnigl. Stiftbriefen.' In the absence of further evidence than he has produced, this seems to me to require the qualification indicated above.

[2] The Grammarian is styled an *Auctorista*. Doc. ap. Denifle, I. p. 475. Cf. below, p. 138, n. 4.

[3] See *Reg. Hon. III.* ed. Pressuti, No. 3192, and the Bulls cited by Denifle, I. p. 475. The concession was granted for five years and renewed in 1225. Denifle, I. p. 476.

[4] *España Sagrada*, XXXVI. 216.

[5] Rodericus Toletanus, ap. *Hisp. illust.* T. II. p. 128.

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1263 it had disappeared, and a petition was presented to the Pope asking for its revival and the bestowal of the privileges of Paris. A favourable reply was received from Urban IV[1], but it is not known whether any actual steps were taken towards its resuscitation. At all events it had ceased to exist before the end of the century. Two causes contributed to the failure. I shall frequently have occasion to remark that new and artificially created Universities never prospered without endowments of some kind or other, direct or indirect. Palencia was, indeed, endowed with a share in ecclesiastical tithes: but it appears that a tithe-war was raging in Castile at about the time when the University was breathing its last gasp. There can be little doubt that its extinction was in part due to the non-payment of the tithes, in part to the competition of more formidable and more favoured rivals, the Studium Generale of Salamanca, and the privileged though not yet strictly 'general' Studium of Valladolid. At the revival of Palencia in 1220 its second founder Ferdinand III was King of Castile only: but, after the final reunion of the crowns of Castile and Leon in 1230, the King's favour was at least shared by the Leonese University of Salamanca: while Valladolid actually lay in the diocese of Palencia.

Constitution.

As to the constitution of the University which thus expired there is little information to be had: but from the connexion in which it stood to the Cathedral School, from the prominent place of Theology among its studies, and from the fact that its original Masters were brought from France as well as from Italy, we may infer that the constitution of the University, so far as a University in the strict sense developed itself at all[2], would have been at least partially influenced by the Parisian model. In the later

[1] Doc. ap. *Colección*, &c. p. 204; *Chartul. Univ. Paris.* I. pt. i. No. 389. This is, it would appear, the earliest document in which Palencia is expressly called a Studium Generale: 'Erat enim in Palentina civitate, . . . Scientiarum Studium generale,' &c.

[2] The notion that the University of Palencia was transferred to Salamanca is inconsistent with the dates, and seems to have arisen later from a desire to increase the antiquity of the last-mentioned School.

Universities of Spain the constitution may be described as mixed; but on the whole they belong to the Bolognese group rather than to the Parisian.

§ 2. SALAMANCA (*ante* 1230).

The chief source of later accounts is CHACÓN, *Historia de la Universidad de Salamanca* (written in 1569), in the *Semanario Erudito* (ed. Valladares de Sotomayor), T. XVIII. (Madrid, 1788). The *Memoria Histórica de la Universidad de Salamanca*, by VIDAL Y DIAZ (Salamanca, 1869), is a more elaborate history: DAVILA, *Reseña histórica de la Univ. de Salamanca* (Salamanca, 1849), a short semi-official summary. Cf. also MENDO, *De Jure Academico* (Lugd. 1668), Lib. I. qu. 7, p. 24; GONZALEZ DE ÁVILA, *Teatro ecclesiástico de las igles. d. Castillas*, T. III. (Madrid, 1650), p. 264; DE LA FUENTE, *Hist. eccles. de España*, 2 ed. IV. 232. DONCEL Y ORDAZ, *La Universidad de Salamanca en el tribunal de la historia* (Salamanca, 1858), is a vindication of the University against the reflections of Washington Irving and others as to its treatment of Columbus. MIDDENDORPIUS, *Acad. celebrium libri VIII*, p. 423 *sq.* gives a detailed account of the state of the University at the beginning of the seventeenth century; and some account of its present condition may be found in GRAUX, *L Un. de Salamanque*, in *Notices bibliographiques*, &c. (Paris, 1884), p. 317 *sq.* The most valuable authority is, however, the collection of documents (including the Statutes of 1411) published by DENIFLE (*Urkunden zur Gesch. d. mittelalt. Universitäten*) in the *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, V. (1889), p. 167 *sq.* See also authorities for Palencia, above, p. 65.

The Universities of Spain were essentially Royal creations: and in this respect they stand alone among the Universities founded before the middle of the fourteenth century. In the same sense in which Palencia was founded by Alfonso VIII of Castile, Salamanca was founded by Alfonso IX of Leon, at some date before his death in 1230[1]: but there is no reason to assume that a foundation-charter ever existed. Like the earliest foundation of Palencia, this first attempt to found a University at Salamanca proved abortive. The second founder of the University

Founded by Alfonso IX of Leon, *c.* 1220.

[1] Only Masters of Theology are mentioned. 'Hic salutari consilio evocavit magistros peritissimos in sacris scripturis: et constituit scholas fieri Salmantiæ.' Lucas Tudensis, ap. *Hisp. illust.* T. II. p. 113. De la Fuente (*Universidades*, I. p. 91) gives the date as 'about 1215,' but on no very obvious grounds.

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Re-founded by Ferdinand III, 1242.

Charter of Alfonzo X, 1254.

was Ferdinand III of Castile, who issued a charter of privilege in 1242[1]. But the prosperity of the University dates only from the accession in 1252 of his son, Alfonso X (the Wise), illustrious alike as astronomer and alchemist, as poet and as lawgiver—a worthy patron for a great University. The most important privileges of Salamanca were derived from the Charter granted by this monarch in 1254[2]. Though Salamanca owed its character as a Studium Generale or at least a Studium of more than local renown to royal liberality, its Schools continued to be constitutionally the Schools of the Cathedral, and remained under the jurisdiction of the Scholasticus or Magister Scholarum[3], who conferred the Licences at night in the nave of the Cathedral[4]. By the Charter of 1254 the power to imprison and (in the last resort) to banish scholars is recognized as belonging to the Bishop and the Magister Scholarum jointly. Through all later changes the ecclesiastical Scholasticus held a more important position at Salamanca and most other Spanish Universities than the Chancellor either at Paris or in Italy. Even since the secularization of the University in 1845 the University retains a Chapel in the old Cathedral, and more vestiges are left of the ancient origin of that and so many other Universities in Chapter-

[1] The document (in Spanish) is preserved in the University Chapel of the Cathedral of Salamanca, and is printed by de la Fuente, *Universidades*, I. p. 89. It confirms all privileges conferred by the first Founder, as well as the customs established in his time; hence the propriety of calling it 'der eigentliche Stiftbrief der Universität' (Denifle, I. 480) is questionable. From the words 'tambien en casas como en las otras cosas,' it may be inferred that the privileges related chiefly to the taxation of lodgings, everywhere the earliest subject of University legislation. Quarrels between townsmen and scholars are to be referred to a commission therein named. Though the commission is headed by the Bishop of Salamanca and other dignitaries, there is nothing to show that all the members were ecclesiastics, still less that it was a 'spiritual tribunal' (as Denifle calls it, I. p. 481). Cf. de la Fuente, *l. c.* p. 90.

[2] Printed by de la Fuente, *l.c.* p. 295.

[3] The latter title (in Spanish *Maestrescuela*) appears the usual one in earlier times; but *Scholasticus* is found in the later documents. The office can be traced from the twelfth century. We more rarely find Cancellarius. De la Fuente, *Hist. Eccles.* IV. p. 232; *Universidades*, I. p. 61.

[4] De la Fuente, *Universidades*, I. p. 178.

schools than is the case anywhere else in Europe[1]. The use of the word Claustro for a University Hall or building still testifies to the ancient connexion between the Spanish Universities and the Spanish Cathedrals. By the Charter of Alfonso X two Conservators—the Dean of Salamanca and another ecclesiastic—were appointed with more than the usual powers: since the taxation of lodgings, elsewhere entrusted to a joint board of scholars and citizens, was here lodged with the Conservators only. It is possible to trace in the somewhat despotic character of this document the influence of Frederick II's Charter for Naples. There is no positive proof that as yet an autonomous University, whether of Masters or scholars, existed at all: though at the least there can be no practical doubt that the former assisted in the Examination for the Licence and conducted the Inceptions. The Masters are expressly forbidden to make a common seal without the Bishop's consent. CHAP. VII, § 2.

In 1255 Alfonso's regulations were confirmed at his request by Alexander IV. The Bull, however, is no true Bull of foundation: it expressly recognizes that the King has already founded a Studium Generale at Salamanca, and does not question his authority to do so, or profess to improve the *status* of the Studium[2]. Bulls of 1255.

In the same year the Pope conferred upon Salamanca (1) the privilege of exemption from corporate excommunication without the special authorization of the Holy See[3]; (2) the right to use a common seal, which had perhaps been refused by the Bishop; (3) the right of scholars to Other privileges.

[1] De la Fuente, *Universidades*, I. p. 86. Martin V made the Scholasticus an elective officer (Chacón, p. 45).

[2] 'Apud Salamantinam civitatem . . . venerabilis fratris nostri . . . episcopi et dilectorum filiorum capituli Salamantinorum accedente consilio et assensu generale studium statuisti, et ut generale studium a doctoribus et docendis in posterum frequentetur, humiliter postulasti a nobis apostolico id munimine roborari.' *Archiv*, V. p. 169.

[3] On July 15. *Archiv*, V. p. 169. It was repeated in Sept. with an addition in favour of officers of the University: 'in universitatem magistrorum vel scolarium seu rectorum vel procuratorum, aut quemquam alium pro facto vel occasione Universitatis' (*Ib.* p. 170). Cf. above, vol. I. p. 314.

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get absolution for assaults on clerks from the Master of the Schools; (4) the right of graduates to teach in all Studia Generalia except Paris and Bologna; (5) leave for Priests and beneficed clergy but not regulars to study the Civil Law[1]. The restriction on the *jus ubique docendi* was removed in 1333[2]. It is significant, however, of the origin of the Spanish Universities that in them, probably alone among the Universities of Christendom, degrees continued to be conferred in the name of the King as well as the Pope[3].

The Siete Partidas, 1263.

In the celebrated Code called the Siete Partidas, issued by Alfonso the Wise in 1263, a whole title[4] is devoted to the Universities of the Kingdom. Its provisions may be said to constitute a sort of educational Code—the first of the kind in modern Europe. It is of peculiar interest to the University historian because it contains the first authoritative attempt to define the hitherto vague and indefinite expression *studium generale*. It formally lays it down that Studia are of two kinds—'particular' and 'general.' The former name may be given to any School in which 'a Master in a Town teaches a few scholars.' It may be established by a Prelate or a Town Council[5]. Here we have a mixture of the French and the Italian principles: as indeed in their actual origin the Universities of Spain are developments under Papal or Royal authority some of the Capitular, others of the Civic Schools. In a Studium

[1] *Archiv*, V. pp. 170–172.

[2] The previous Bull, though addressed 'Magistro scolarum Salamantino,' does not expressly entrust the power of conferring the 'licentiam ubique docendi' to any definite person. This technical defect was set right by the Bull of John XXII in 1333, which recites that, in consequence of the omission, 'honori dicti studii multipliciter derogatur' (*Archiv*, V. p. 173), and proceeds to confer the required power without repeating the restriction.

[3] 'Auctoritate Apostolica et Regia qua fungor, confero tibi gradum,' &c. This formula continued in use till 1830, when the conferment of degrees was transferred to the Rector. De la Fuente, *Universidades*, I. p. 190.

[4] Part. II. Tit. xxxi. T. II. ed. Lopez, Madrid, 1843, p. 352 *sq.* The traditions that this code was drawn up by the lawyers of Salamanca, and that the King's celebrated astronomical tables were due to its astronomers, appear to be mere conjectures. We do not hear of a chair of Astrology till the time of Benedict XIII (Pedro de Luna). De la Fuente, I. *l. c.* p. 192.

[5] Tit. xxxi. ley i.

Generale there must be a separate Master for each of the seven Arts, or at least for Grammar, Logic, and Rhetoric, together with at least one Master of Laws and one of Decrees. Such a Studium can only be established by the Pope, the Emperor or the King [1], and the salaries are to be fixed by the latter. The power of the King to create a Studium Generale in the full sense of the word is perhaps something of an innovation. But we must remember that the idea that the degrees of a Studium Generale were necessarily of ecumenical validity is not to be found in the Siete Partidas, and was not yet established in Europe generally. When it was established, the Jurists very reasonably held that the power of a King only extended to the establishment of a Studium Generale *respectu regni*. To obtain a universal validity for the degrees of a University, the Bull of Pope or Emperor or long custom was necessary: and those Spanish Universities which had not obtained the *jus ubique docendi* by Papal or Imperial Bull were not held to have acquired this privilege by custom [2]. CHAP. VII, § 2.

How far the autonomous University organization had established itself before the date of the Siete Partidas it is impossible to say. It is, however, fully recognized in the provisions of Alfonso. We may, therefore, be quite certain that Rectors were elected from this time, if not earlier [3]. The general principle is laid down that 'Colleges and Confederacies of many persons' [4] are illegal. The case of Masters and scholars in a Studium Generale is declared to be an exception. Masters and scholars are recognized as together forming a Universitas, which is to elect a Rector whom they shall all obey. He is required to suppress feuds and quarrels between scholars and townsmen, or among the scholars themselves, and especially to enforce those cardinal but seldom observed rules of medieval The Rectorship.

[1] Tit. xxxi. ll. i, iii.

[2] See above, vol. I. p. 9 *sq.*

[3] The Rectors are first expressly mentioned in 1301. (See below, p. 76.) According to Chacón (p. 18*n.*), *Consiliarii* were introduced for the first time by the Reform carried out by Benedict XIII as legate *circa* 1380.

[4] 'Ayutamiento, e Confadrias de muchos homes.' Tit. xxxi. l. vi.

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University disciplinarians—that scholars should not bear arms or walk abroad at night. He has power to punish offenders: but, if he fails to do so, a scholar is amenable to the King's judges. The last provision applies to criminal cases only. In civil cases the defendant scholar is allowed to appear before the Bishop or his own Master conformably to the Authentic *Habita*, which has also inspired the special protection afforded to scholars travelling to or from their University [1]. At the same time provision is made for the examination of candidates for the Licence in the Bologna fashion [2]. Various privileges and exemptions are also conferred upon the Masters, particularly upon the Masters of Civil Law, who are styled 'Caballeros' and 'Señores de Leyes.' If a Doctor of Civil Law enters a Court of Justice, the Judge is to rise and to invite him to a seat on the bench, and he has constant access to the King's person. After twenty years' Regency, he attains to the rank of a Count [3].

Endowment by Alfonso X.

The endowment of the University was provided for by its Royal patron, though not on a very munificent scale. A sum of 2500 maravedis was annually entrusted to the Conservators for the payment of Professors and the other expenses of the Studium. In the first foundation by Alfonso IX, Theology had (as at Palencia) been a prominent object. But in Spain, as in Southern Europe generally, Law was driving Theology out of fashion. And to the 'Castilian Justinian' the encouragement of legal study was the para-

[1] Tit. xxxi. ll. vii, ii. That in the then state of law and society, such protection was needed is clear from the clause of the last-mentioned law which provides that the messengers coming to the scholars shall not be arrested for the debts of their fathers or other fellow-countrymen. At Salamanca the Scholasticus was probably intended at least to share the power conceded to the Bishop. Cf. Chacón, p. 25 *n*.

[2] 'Decípulo debe anteseer el escolar que quí siere haber honra de maestro: e quando hobiere bien deprendido el saber debe venir ante los mayorales de los estudios que han pôder de le otorgar la licencia para esto.' Tit. xxxi. l. ix. The exact relations between the Scholasticus and the Doctors in the examinations are not clear. A characteristic feature of the Spanish Inceptions in later times was a University bull-fight given at the expense of the Inceptor. De la Fuente, *l. c.* I. p. 173 *n*.

[3] Tit. xxxi. l. viii.

[4] De la Fuente, *l. c.* I. p. 295.

mount object. Moreover it was the consistent policy of the Popes to preserve the theological monopoly of Paris. The original staff under Alfonso consisted of one Legist at a salary of 500 maravedis, four Canonists, *i.e.* two Decretalists at 500 maravedis each, one Decretist and a Bachelor at 300 each, two Masters of Logic, one of Grammar, and one of Physic, with only 100 maravedis. Here, as in Italy, the Doctors of Law are treated as a superior class both in point of salary and position: the Doctor of Medicine ranks with the mere M.A. or the still humbler Grammarian. An interesting feature of these provisions is that a Master of the Organ is provided [1]. The University of Salamanca appears to be the first which gave both degrees and practical instruction in Music. A Master of Music was always included among its Professors [2]. We hear nothing of musical degrees at Paris or in Italy, and at Oxford they do not appear till the fifteenth century.

Music degrees.

In the course of time, however, Sancho the Brave became impatient of paying the small endowment settled on the University by his father. By 1298 it appears that the unpaid Professors had struck work: and the Studium was suspended till Ferdinand IV bethought himself of the easier method of endowing the University out of the thirds

Collapse under Sancho IV.

[1] Salaries are provided for music in the Bull of 1313 (de la Fuente, *l. c.* I. p. 313); and two Magistri in Musica appear in the Rotulus Beneficiandorum of 1355 cited by Denifle, I. p. 494. Salamanca produced Bartholomé Ramos de Pareja, who, according to Graux (p. 319), 'passe pour l'inventeur de la musique moderne.'

[2] The chair survived into the present century, its last occupant being 'al celebre Dorjagüe, quizá el mejor compositor de música religiosa en España á principios del presente siglo.' De la Fuente, *l. c.* I. p. 98. Salaries are also assigned to a *Stationarius* and an *Apothecarius* whom Denifle (I. 483 *n.*) explains as 'denjenigen, welcher entweder ein Depôt von Lebensmitteln besitzen oder dafür sorgen musste, dass an den Lebensbedürfnissen für die Studierenden niemals ein Mangel eintrat.' But I see no reason why the word should not have its usual modern and medieval meaning of a purveyor of drugs. An endowed Bachelor of Law is also provided, probably the earliest instance of such an endowment. Bachelor-teaching, which was a merely University exercise in the earlier Universities, became important in new Universities where the staff was smaller. We see the same tendency in the German Universities.

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of ecclesiastical tithes. These thirds had often, with or without the Papal consent, been appropriated by the Kings under pretext of the Holy War against the Saracens; and in 1301 Boniface VIII authorized the plan of Ferdinand IV for three years[1]. The thirds arising from the diocese of Salamanca were to be consigned to a separate chest in the Treasury of the Cathedral, the three keys to be kept one by the Dean, one by the Rectors, and one by the Conservators.

Re-endowed by Ferdinand IV and Boniface VIII with Thirds.

Difficulties.

The third part of the tithes thus appropriated to educational purposes was (as has been said) the third which properly belonged to the fabrics of the Churches. After its withdrawal the Churches naturally began to fall into disrepair: by 1310 the condition of the Cathedral had become alarming. The thirds were consequently withdrawn from the University by Pope Clement V. The usual strike of Professors followed, and the existence of the Studium was virtually suspended till 1313, when the same Pontiff, upon petition of the Bishop, restored one-third of the thirds to the Professors[2]: and a varying share in these impropriated thirds formed the basis of the endowment of the University down to the latest times[3].

Endowment of Theological chairs and 'Reform' by Pedro de Luna.

The fame of medieval Salamanca was almost entirely that of a School of Civil and Canon Law. After the very earliest days of the University we do not hear of a single Doctor of Theology till 1315. In 1380, however, Pedro de Luna came to Castile as an envoy on behalf of the Avignon claimant to the chair of S. Peter. Salamanca and the Castilian kingdom declared for Clement VII: and an alliance now began between the Avignon Papacy and Salamanca which eventually passed into a permanent

[1] See the document in an Inspeximus in *Memorias de D. Fernando IV. de Cast.* T. II. (Madrid, 1860), 267. No mention is here made of the purpose to which the thirds were to be applied.

[2] The bull is printed by de la Fuente, *Universidades*, I. p. 312. Cf. Denifle I. 490.

[3] The proportion assigned to the University varied from time to time. The successive edicts on the subject are noticed by Chacón. Cf. Vidal y Diaz, p. 27 *sq.*

friendship between the Holy See and the most Ultramontane of Universities. Pedro de Luna undertook as Legate a visitation and 'reformation' of the University, which was completed after his accession to the Papacy as Benedict XIII. A prominent feature of this 'reform' was the establishment of theological chairs, which were endowed by Kings John I and Henry III [1]. CHAP. VII, § 2.

Salamancan Theology.

The exclusion of the theological Faculty from Salamanca and other Studia by the earlier Popes, especially the Avignon Popes before the Schism, was due to a desire to maintain the theological monopoly of Paris. The encouragement of the theological Faculty by Benedict XIII and Martin V was no less clearly inspired by antagonism to the Gallican University. From the Conciliar epoch the University of Paris became more and more identified with a Theology antagonistic to Ultramontane claims, and, from the sixteenth century, more and more out of harmony with the prevailing spirit throughout the greater part of Roman Catholic Europe. In Italy itself there was hardly a Faculty of Theology worthy of the name. In the controversies with Gallicans and with Protestants it was to Salamanca, almost alone among the greater Universities of Christendom, that the Popes could look for champions of the pure Ultramontane faith. At the same time it should be mentioned to the credit of Salamanca that her Doctors encouraged the then almost unorthodox designs of Columbus [2], and that the Copernican system found early acceptance in its lecture-rooms [3].

Statutes of 1411: Constitution.

Beyond what may be inferred from the Siete Partidas, we know nothing of the Salamancan constitution before the date of the Statutes promulgated by Benedict XIII in 1411. These Statutes, however, presuppose an existing code and do not enable us to do more than trace the main outlines of the University constitution. We have already seen that

[1] De la Fuente, I. p. 208 *sq.*; Chacón, p. 25 *sq.*; Denifle, I. p. 492; *Archiv*, V. p. 208 *sq.*

[2] De la Fuente, II. p. 26; Vidal y Diaz, p. 55. Doncel y Ordaz, p. 13 *sq.*

[3] Doncel y Ordaz, p. 9; Graux, p. 319.

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that constitution approximates to the Bologna rather than to the Parisian model. It is emphatically a Student-university with a student Rector, and a body of *Consiliarii* elected by the various Nations or Dioceses[1]: the Doctors form a College of their own, with a Prior or Primicerius at its head, though it does not appear that they were actually excluded from votes in Congregation as at Bologna[2]. The two other most important modifications of the Bolognese constitution are, (1) the inclusion of all Faculties under a single Rector (the Faculties, with the exception of Theology, do not appear even to have separate Deans of their own)[3]; (2) the extensive powers of the Cathedral Scholasticus, or as he is now called 'Chancellor of the University.' His functions extend considerably beyond the grant of the Licence. He has important judicial powers, being recognized as the *judex ordinarius* of scholars, and his jurisdiction extends both to contracts and to delicts, in addition (it may be presumed) to strictly spiritual causes. Either therefore the jurisdiction conferred by the Siete Partidas upon the Rector must by this time have been withdrawn, or the two jurisdictions must have been concurrent[4]. Besides this the Scholasticus has several functions of a more directly academical character. The appointment of Examiners requires his approval[5]. It is his duty to enforce by ecclesiastical censure the payment of the *salaria* upon the Rector and the official immediately charged with that duty and known as the

[1] The names are not mentioned in 1411. The Statutes of Martin V provide for the election of two Councillors each by four groups of dioceses, which are not expressly called Nations. All lie in the Peninsula (including Portugal), but the group at the head of which stands Burgos includes students 'de regnis Aragonie, Navarre vel alia quacunque natione extranea.' *Archiv*, V. p. 186.

[2] *Archiv*, V. p. 194.

[3] Cf. de la Fuente, I. 274 *sq.* At an earlier period there seems to have been more than one Rector.

[4] *Archiv*, V. p. 196. The Statute only refers to cases where an offending scholar has left the town, but a general jurisdiction is implied *a fortiori*. Royal Conservators are also mentioned (p. 186). The Apostolic Conservators are not named, but the execution of this as well as previous Papal Statutes is entrusted to the Archbishop of Compostella (p. 197).

[5] *Archiv*, V. p. 199.

'Administrator of the University,' and the appointment to vacant chairs by the Rector and *consiliarii*[1]. He is entrusted with one key of the University chest, the remaining four being kept by the Rector, another representative of the Student-university, and two of the senior Doctors of Law[2]. He has moreover a general power of punishing 'transgressions of oaths and constitutions and other crimes' in the University and of holding annually 'general and special' inquisitions for their discovery[3]. In the Salamancan constitution, in short, we see a Bologna Student-university grafted on to an old capitular Studium without destroying, though of course it did in a measure limit, the ancient jurisdiction of the Cathedral Scholasticus[4]. CHAP. VII, § 2.

Salamanca is not perhaps precisely the place where one would look for early precedents for the higher education of women. Yet it was from Salamanca that Isabella the Catholic is said to have summoned Doña Beatrix Galindo[5] to teach her Latin long before the Protestant Elizabeth put herself to school under Ascham. The Renaissance may, indeed, be considered to have begun in Spain long before it began in England, though it never advanced very much beyond a beginning. Lady students.

Salamanca was recognized as one of the great Universities of Europe—as the representative University of Spain —by receiving the *Liber Sextus* of Boniface VIII with a special Bull in 1298[6]. Again in 1311–12 the Council of Vienne placed it among the five Universities at which Receives the *Liber Sextus*, 1298. Recognition by Council of Vienne, 1311.

[1] *Archiv*, V. pp. 189, 193, cf. p. 181. He conferred Bachelor's degrees. Vidal y Diaz, pp. 121. 203.

[2] *Archiv*, V. p. 190.

[3] *Archiv*, V. pp. 195, 196.

[4] At some previous date the University must have obtained exemption from all Episcopal and Archiepiscopal authority; since in the Bull of 1411 (*Archiv*, V. p. 199) its members are described as 'post sedem apostolicam immediate subjecti' to the Scholasticus. The Statutes of Martin V differ only in detail from those of 1411. They give the appointment of Scholasticus to the 'difinitores negotiorum ipsius universitatis,' who presumably succeeded to the single 'administrator' of 1411 (*l. c.*).

[5] Graux, p. 320. The Privileges of a Spanish University — those of Lerida in 1300—are almost the only ones with which I am acquainted, which expressly contemplate married Undergraduates. Villanueva, *Viage Literario*, XVI. p. 203.

[6] Printed by de la Fuente, *Universidades*, I. p. 299.

CHAP. VII. § 2.

Professors of the Oriental languages were to be established, though at the actual date of the Council it was undergoing one of those total eclipses which marked its early history: and we have evidence of the existence of these Oriental lectures as late as the fifteenth century[1]. The numbers do not in the fourteenth century appear to have been very large; though by the sixteenth the University had become one of the largest in Europe. A roll sent to Innocent VI in 1355 contains the names of only ten Masters and Licentiates, eighteen Bachelors, 179 scholars in Law, and 130 in other Faculties[2]. All the names are Spanish with the exception of two which are Portuguese. A large number of these Salamancan rolls survive. It was 'not for nothing,' as Father Denifle remarks, that the University down to the most recent times has displayed the Papal tiara in its arms. An escutcheon bearing Pedro de Luna's arms may still be seen upon the ancient University building which was erected under the auspices of that Pontiff, while an inscription in the 'Claustro' of the University even describes him as the 'founder and prime restorer of Salamanca[3].'

Numbers.

Colleges.

Salamanca was late in acquiring Colleges. The small College of Oviedo was founded by a Bishop of that see in 1386[4]. The earliest and most famous of the 'four greater

[1] At least a 'legens de Ebraica cum aliis duabus linguis sibi ex certo statuto annexis, videlicet Caldea et Arabica' is provided with a salary by the Statutes of 1411. *Archiv*, V. p. 178. Cf. above, p. 28.

[2] In 1602 there were, according to Middendorpius (p. 436), 4000 students at Salamanca, and there had formerly been 7000. The Salamanca Matriculation-book of 1552 shows a total of 6328 persons—one of the most important data which exist for determining the academical population of the medieval universities. De la Fuente, *Universidades*, I. p. 170. The oath to the Rector, in which 'Matriculation' consisted, was renewed annually, *l. c.* In 1641 Salamanca still boasted 3908 students; sixty years later there were 2000; at the beginning of this century 1000; in 1875, 391. Graux, pp. 330, 332. Such has been the fate of the city which, on the strength of its University, aspired to the title of the Eternal City.

[3] 'Academiæ conditor et reparator primarius.' *Archiv*, V. p. 225: De la Fuente, *Universidades*, I. p. 209.

[4] Vidal y Diaz, p 300. The same writer speaks of a College founded by the Canons of S. Isidro of Leon in 1166, but gives no information as to its nature.

Colleges'—the Colegio Viejo or Colegio Mayor de San Bartolemé, which still possesses a peculiarly rich Library of MSS. and printed books—was founded by Diego de Anaya Maldonado, Archbishop of Seville, in 1401 for ten Canonists and five Theologians. Its constitution was that of the Italian Colleges. It was governed by an annually elected Rector and three Consiliarii; and the Statutes are throughout modelled on the plan of a Student-university [1]. There was also a Hospital of S. Thomas Aquinas for sick scholars founded in the fifteenth century, and supported by the contributions of the charitable [2]. But it was not till the sixteenth century that Colleges began to multiply at Salamanca [3]. Here, however, the Colleges remained faithful to their original design and the old system of Regency was superseded by the Professorial system, not (as at Paris and Oxford) by Collegiate teaching.

SEVILLE.

An interesting episode in the history of the Spanish Universities is the foundation of a Studium Generale at Seville for the study of Latin and

[1] See the Statutes in vol. III of the elaborate *Historia del col. viejo de S. Barthol.* Madrid, 1766-70, by Jos. de Roxas y Contreras. As bearing on the usual age for entering on the higher Faculties, it is noticeable that the minimum age for admission was eighteen (*l. c.* p. 20). The students here enjoyed the luxury of separate bedrooms (p. 21). Cursory lectures were given in College (the term *cursare* is used for *legere cursorie*, p. 24), but for ordinary lectures the students went to the public schools. The disciplinary regulations for this self-governing community of students in the higher Faculties illustrate the fact that the members of Colleges were originally subject to disciplinary regulations as to attendance in Hall or Chapel, hour of entering, &c., not so much because they were *in statu pupillari* as because they were secular clerks living in community. The Statutes confer the privilege of dining in the kitchen instead of the hall in winter (p. 38). Students were to confess twice and communicate once a year (p. 39). A later Statute contains the curious provision that for 'atrox percussio, unde exeat sanguis in rationabili quantitate. ipso facto privetur percussor a Collegio' (p. 42). In the Code of 1490 (which is in Spanish) occurs the provision that the Rector shall not lend the College mule for more than three days without the consent of the *consiliarii* (p. 54).

[2] *Archiv*, V. p. 204.

[3] A curious feature of University life at Salamanca was the presence of four Colleges of the Spanish Military Orders. Vidal y Diaz, p. 125. One of the four 'greater Colleges' is now occupied by the 'College of the Noble Irish.'

CHAP. VII, § 3.

Arabic. The way for such a foundation had been prepared by the missionary efforts of the Dominicans, who from 1250 had assigned certain brethren to study Arabic to qualify themselves for mission-work among the Saracens. Some fifteen years later there were Schools for this purpose in Tunis and Murcia. The site of the earliest Dominican School of Arabic is not known: it may have been Seville. Alfonso the Wise—the second Founder of Salamanca—conceived the design of giving a wider scope to these Arabic studies. Denifle thinks that his motive was in part to facilitate commercial intercourse with the Saracens, but mainly to promote their conversion; and these are certainly the motives expressed in his Charter. But a monarch so devoted to Astronomical and Mathematical studies was probably not uninfluenced by the desire to throw open to the learned of his realm all the wisdom of the Arabians. De la Fuente (I. p. 130) even conjectures that Arabic was actually meant to include 'Astronomy, Medicine, and Physic,' quoting a request of the King to the Archbishop and Chapter of Seville in 1256 to grant a Mosque ('unas mezquitas . . . . para morada de los Físicos que vinieron de allende, é para tenerlos de mas cerca é que ellos fagan la su enseñanza á los que les habemos mandado, que los enseñen con el su gran saber, ca para eso los habemos ende traido'). All that is certain is that in 1254 a Charter of privilege was granted very similar to that conferred on Salamanca, and that in 1260 Alexander IV issued a Bull (for a period of three years), in which the new studium is recognised as a Studium Generale, and dispensation from residence is granted to its students. Both documents are printed in the *Memorial histórico Español* I, (Madrid, 1851), pp. 54, 163. Whether the School ever existed except on paper, even the diligence of Denifle, to whom (I. pp. 495-499) I am indebted for the above facts, has been unable to discover.

§ 3. VALLADOLID.

The most important authority is the dissertation on the *Origen de los estudios de Castilla, especialmente los de Valladolid*, &c. Por D. Rafael de Floranes, ano 1793, ap. *Colección de Documentos inéditos* T. XX. Madrid, 1852. Cf. Sangrador, *Hist. de Valladolid*, T. I. Valladolid, 1851, p. 186 *sq.* The constitution may be gathered from the later *Estatutos de la insigne Universidad de Valladolid*, Valladolid, 1651.

The School of Valladolid dates from at least the middle of the thirteenth century[1]. And it was in very ancient times something more than a merely local church School. A Bishop who died in 1300 is said to have studied at Salamanca and Valladolid as if they were Studia of much

[1] But the Studium could not have been very important earlier than 1228, since a Council at Valladolid in that year provides for the restoration of Palencia.

the same rank[1]. It presumably obtained privileges of some kind from the Crown (though the Charters are not preserved) at an early date: since in 1293 Sancho the Brave, in establishing a Studium Generale[2] at Alcalá, confers upon it the privileges of Valladolid. In 1304 it received an endowment of 20,000 maravedis annually from Ferdinand IV, who expressly styles it an *estudio general*[3], and alludes to the Rector of the Studium. In 1312 it possessed a Doctor of Decrees[4], and a Bedel in 1323[5]. On the whole there can be little doubt that Valladolid was held in Spain to be a Studium Generale by the end of the thirteenth century; and it must certainly have fulfilled all conditions of the definition in the Siete Partidas. But since it did not possess the *jus ubique docendi*, it is in 1346 described by Clement VI (from the Roman point of view) as being hitherto a *studium particulare* and is by him erected into a Studium Generale with full ecumenical validity for its degrees[6]. A fourteenth-century jurist would no doubt have described its position up to this date as being a *studium generale respectu regni*. But, as has been already pointed out, the idea of ecumenical validity did not enter into the earlier conception of a Studium Generale. There is therefore no reason, with Denifle[7], to say that the term 'Studium

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Bull of Clement VI, 1346.

[1] *España Sagrada*, T. XXI. p. 109. To assume (with Floranes. p 70) that because the Siete Partidas speaks of Studia Generalia in the plural, at a time when the Studium of Palencia had vanished, Valladolid and Salamanca must be the Universities referred to, is quite unwarrantable. The provisions of the Siete Partidas are quite general.

[2] 'Estudio de escuelas generales.' Doc. ap. Floranes, p. 75, and de la Fuente, I. p. 100. So far as I have been able to ascertain, no Studium Generale was actually erected at Alcalá at this time. In 1499 a Papal Bull was granted to the College of San Ildefonso, founded there by Ximenes, conferring upon it the privileges of a University, College and University being fused into one according to an entirely new plan. See below, p. 99.

[3] Doc. ap. de la Fuente, I. p. 102.

[4] Doc. ap. Floranes, *Colección*, p. 81.

[5] Floranes, *l. c.* p. 83.

[6] See the Bull (in a confirmation by Clement VII) printed at the end of the *Estatutos* and (partly) by de la Fuente, I. p. 104. It recites that a 'studium, licet particulare, ab antiquo viguit, atque viget,' and proceeds in the ordinary terms to enact 'ut in villa Vallisoletana prædicta, perpetuis futuris temporibus generale Studium vigeat, in qualibet licita, præter quam Theologica, facultate.'

[7] I. p. 377.

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Generale' is used in 'an improper sense when applied to such a Studium as Valladolid.'

Theology.

Clement expressly excludes a Faculty of Theology from the Bull: such a Faculty was first established, no doubt in accordance with the policy of breaking down the theological monopoly of the anti-papal Paris, by Martin V in 1418[1], upon a petition presented by the envoys of the King of Castile and Leon at the Council of Constance. At about the same time the Statutes enacted for Salamanca by Martin V were adopted by the University, which was now endowed with a share in the thirds of a neighbouring district[2].

The Licence.

Valladolid was not in the Middle Ages the see of a Bishop: and the University seems rather to have grown out of a Town-school through the exertions of the Municipality, but with the assistance and sanction of the Crown, than out of a purely ecclesiastical Studium[3]. The licences were, however, conferred by the Abbot of the secular Collegiate Church, till its erection into a Cathedral at the end of the sixteenth century, when the Chancellorship of the University passed to the Bishop. The University was endowed out of the ecclesiastical thirds appropriated by the Crown. The

Colleges.

'greater College of Santa Cruz' was founded by Cardinal Gonzales de Mendoza[4] in 1484 and the Dominican College of S. Gregory, whose magnificent buildings still in part survive, four years later by Alonso de Burgos, a Dominican Bishop of Cordova[5].

Later Constitution.

We are left to infer the earlier constitution of the University from the Code of Statutes approved by the Emperor Charles V. The organization of the University, the system of Examinations, the graduation ceremonies, the time of the

[1] Floranes, *l. c.* p. 105.

[2] Bull of 1417 printed by Denifle, *Archiv*, V. p. 215.

[3] This may perhaps be inferred from the fact that Alfonso XI's decree for the payment of the thirds appropriated by the Crown towards the payment of Professors (in 1323) was directed to the Town Council (de la Fuente, I. p. 103). In 1346 Clement VI issued a Bull, on the King's petition, authorizing this application. Denifle, I. 378.

[4] De la Fuente, II. p. 21.

[5] De la Fuente, II. p. 29.

Lectures and the Vacations are, down almost to the minutest detail, copied from the Bolognese model. The old student-liberties are, indeed, more strictly preserved in these Spanish sixteenth-century Statutes than they were by that time in the majority of the Italian Universities themselves. There are, however, a few departures from the ancient model. The Abbot as Chancellor has become incorporated in the University and takes his position side by side with the Rector in University Congregations. Six of the twelve endowed Professors (*Cathedrarii*) sit in alternate years as *Deputati* with the Rector, Chancellor, and seven *Consiliarii*, to form the executive Council or ordinary governing body of the University. The Rector is to be a Doctor or Licentiate, chosen by lot from among three candidates nominated by the Council: but the Councillors, similarily chosen by a mixture of lot and nomination, were apparently students[1]. Above all, the election to the salaried chairs was entirely in the hands of the students, whereas in Italy the appointment had almost everywhere been formally or virtually transferred to the Prince or the City[2]. Every student of the Faculty had a vote, provided he had heard the trial-lectures of all the candidates. This system of 'Oppositions'[3] or competitive trial-lectures is established here as in many other Spanish and French Universities. One remarkable provision, which seems to be of Spanish origin, may be noticed as a hint to modern University Reformers. After twenty years' service, a Professor was allowed what was known as his 'Jubilee' and was henceforth permitted to receive his full salary and to lecture by deputy[4].

[1] *Estatutos*, pp. 1–5. Six Consiliarii were chosen in this way, one by the College of the Holy Cross.

[2] The only *Conservatores* mentioned in the Statutes are the *Milites* elected by the University to defend its rights and preserve order at University pageants (p. 37).

[3] *Estatutos*, p. 7 *sq.*

[4] See the Tit. *De Cathedrariis Jubilatis*, *Estatutos*, p. 20.

§ 4. LERIDA (1300).

There is no printed monograph on Lerida, but (what is much better) the original Privileges and Statutes are published by Villanueva in the *Viage Literario á las Iglesias de España*, T. XVI, Madrid, 1851. The existence of this invaluable collection was, however, practically unknown North of the Pyrenees before the appearance of Denifle's book. Some of the documents are printed by de la Fuente, I. p. 300 *sq.* Denifle has printed others in the *Archiv für Lit.- u. Kirchengesch. des Mittelalt.* IV. 253 *sq.*

CHAP. VII. § 4. The first University for Aragon.

The zeal for education which, fostered by a spirit of national independence, had led to the establishment of three Castilian Universities in the course of the thirteenth century, spread to the neighbouring and rival kingdom of Aragon at the end of the same century[1]. The Spanish Universities were above all things national institutions: and before the close of our period we shall find every one of the Spanish kingdoms in possession of its own Studium Generale.

Difficulties of Classification.

In the great work of Denifle the Universities are classified entirely according to their origin, and fall into one or other of three main classes, (1) Universities which arose without a Charter of foundation; (2) Universities founded by Papal Bull; (3) Universities founded by Imperial, Royal, or Princely edict. There are, however, in point of fact not a few Universities which cannot be assigned to one or other of these categories without a very arbitrary procedure. This classification is peculiarly unsatisfactory in the case of Lerida, which is placed by Denifle—rightly perhaps if such a classification is to be adopted at all—in the third of the above classes, but it gives at best a one-sided view of the facts.

Foundation by James II, 1300.

No University, indeed, was more entirely the creation of a monarch's will. The University of Lerida was founded by James II of Aragon in 1300. But the document in which

[1] The purpose of the foundation of Lerida is thus described by the Founder: 'Ut nec potissime nostros fideles et subditos pro investigandis scientiis nationes peregrinas expetere, nec in alienis ipsos oporteat regionibus mendicare.' Villanueva, T. XVI. p. 196.

his intention to found a Studium Generale in some town of his realm is first declared in a letter addressed to the reigning Pope, asking for Apostolical approval for the undertaking. In consequence of this petition a Bull was issued by Boniface VIII conferring upon the University when founded the privileges of Toulouse. The King's actual Charter to the University, the seat of which is now fixed at Lerida, declares that it is founded by joint Regal and Apostolical authority[1]. In this procedure it is obvious that a jealous assertion of the Royal prerogative is combined with a desire to secure for the new foundation privileges which only an ecumenical authority could bestow. In other respects the Charter is clearly based upon the model of Frederick II's foundation-bull for Naples; in accordance with which precedent another Royal edict forbade the teaching of Law, Medicine, and Philosophy in all other places within the King's dominions[2]. This provision brings into relief the real nature of the educational revolution introduced by the foundation of Universities. Formerly the Schools of any great Church might teach all subjects, and authorize qualified persons to become Masters in them. In Italy and perhaps parts of Spain the freedom of education was not even limited by the necessity for ecclesiastical authorization. By the foundation of Universities higher education was made, either formally (as at Naples and Lerida) or virtually (as in France and England), the monopoly of certain privileged Studia. At Naples the teaching of Grammar only was allowed in other places: at Lerida an explanatory edict exempts Logic also from the operation of the Royal prohibition. In some points, however, the King of Aragon's legislation was far more wise and liberal than that of the Neapolitan monarch. His original Charter[3]

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[1] 'In civitate nostra Ilerdensi studium generale in iure canonico et civili, medicina, philosophia et artibus et aliis approbatis et honestis scientiis quibuscumque, auctoritate Apostolica nobis in hac parte concessa ac etiam nostra, duximus ordinandum.' Doc. ap. Villanueva, XVI. p. 200. Degrees were likewise conferred by joint authority of King and Pope. *l. c.* p. 201.

[2] Doc. ap. Villanueva, XVI. p. 199. Cf. above, p. 23.

[3] Printed by de la Fuente, I. p. 311.

CHAP. VII, § 4. exhibits no jealousy either of ecclesiastical authority or of academic liberty. The privileges which it confers are the amplest ever yet bestowed on the first foundation of a University.

Statutes of 1300. Seldom did the actual beginning of a University's existence follow more promptly upon its formal erection. On Michaelmas Eve, 1300, the students met and elected as their first Rector the then Archdeacon of Lerida; and on the same day an elaborate Code of Statutes was solemnly promulgated. These Statutes are of peculiar importance in the constitutional history of Universities. They are the earliest detailed Code of Statutes for a Student-university which has come down to us: and, allowance being made for constitutional changes adopted to suit the peculiar circumstances of Lerida, they reveal to us the whole organization and educational system of the University of Bologna on which they are undoubtedly modelled, at a period considerably before the date of the earliest Bologna Code now extant. They show us the Student-liberties, the Student-domination over the Professors, already in full operation. Nothing can more strikingly illustrate the extent and the established position of this Bolognese student-ascendancy than the fact of its deliberate adoption (with but few modifications) amid social conditions not a little different from those under which it had grown up, by a Spanish Sovereign. It had come to be accepted as an ordinance of Nature that Law-students should form a self-governing body.

Constitution. The principal modification introduced into the Bologna constitution is that (in accordance with Neapolitan precedent) a Chancellor nominated by the King takes the place of the Bishop as the licensing authority. The King, however, as a concession to the connexion generally existing between Chapter and Schools in Spain, grants that the Chancellor shall always be a Canon of Lerida[1]. On the other hand the academic jurisdiction of the Rector over foreign students

[1] Villanueva, XVI. p. 201. He is styled *Cancellarius studii*, not (it should be observed) *Universitatis*, *l. c.* p. 214, though being 'de præcipuis officialibus studii, privilegiis universitatis cancellarius gaudet,' *l. c.* p. 219.

is recognized more fully and ungrudgingly than it was ever recognized by the Bologna Municipality. Foreign Doctors and students[1] are exempted from the jurisdiction of the State Courts (if they claimed the exemption) in all civil cases and in all non-capital criminal matters, and are allowed to choose between the Rectorial tribunal and that of their own Master. One other exception is noticeable. A lay student caught in the part of the town specially assigned to students' houses with arms or musical instruments in his hands (the two offences are placed precisely on a level) may be fined by the town officials: a clerical student under similar circumstances is to forfeit the obnoxious weapon or instrument and to be sent to the Bishop or Rector for correction[2]. The distinction shows how little, in Southern Europe, scholarity was held to imply clerkship.

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In Aragon the Municipalities were at this time more powerful than in Castile; and at Lerida it is probable that the Municipality had much to do with the foundation of the University. At all events, the endowment was supplied by them, and the Prohombres of the City were entrusted with the nomination to the salaried chairs—originally two in Canon Law, two in Civil Law, one in Philosophy, one in Medicine, and one in Grammar[3], but they were directed to be guided in their choice by the advice of the Rector and Consiliarii. Whether in consequence of this division of responsibility or otherwise, by the year 1311 the Studium had come to a dead-lock. In that year, however, the Council of the City offered to provide the salaries, on condition that the Doctors should be chosen by the Bishop and

Endowment.

[1] The University is expressly defined as a 'Universitas scolarium forensium, qui non sint de civitate Ilerdæ, clerici vel laici in utroque jure studentes,' *l. c.* p. 201. But Masters and scholars 'cuiuscunque scientiæ' must obey the Rector (*l. c.* 217). Cf. p. 229, 'Cum te dicas civem Ilerdæ, jurare non cogeris universitatis statuta, licet dum in hoc studio fueris, ad eorum observantiam tenearis.' All Doctors and Bachelors were bound to swear obedience to the Rector.

[2] *l. c.* pp. 204, 5.

[3] Villanueva, XVI. p. 214; *Archiv*, IV. p. 255 *sq.*

CHAP. VII, § 5.

Chapter. Eventually the King divided the cost of the Studium between the Municipality and the Chapter[1].

Later History.

From its revival in 1311 the University seems, but not quite without interruptions, to have enjoyed a moderate share of prosperity till its gradual evanescence in the course of the fifteenth century[2]. Its fame was chiefly derived from its School of Law: but among the 284 Bachelors and Scholars whose names appear in a Rotulus sent to Benedict XIII in 1394, there are more Artists than Jurists, and the medical Faculty had more prominence here than in most Spanish Universities: in 1387–97 John I granted it a privilege already established at Montpellier and elsewhere, *i.e.* an annual corpse for dissection, with the curious proviso that the criminal assigned for the purpose should be drowned[3].

S. Mary's College.

The oldest College in Spain was situated at Lerida—S. Mary's College founded in 1372 by Domingo Ponz, Chanter of Lerida[4].

§ 5. PERPIGNAN (1349).

This University is one which has been practically disinterred by Denifle (I. pp. 515–519) from MSS. at Rome and Perpignan, where the Statutes of *circa* 1379 are preserved. Its bare existence is recognized by de la Fuente, I. p. 239. The Statutes and other documents are now printed by FOURNIER, *Statuts des Universités françaises*, T. II. 1891, No. 1482 *sq.*

Project of University in Roussillon.

After the annexation of the County of Roussillon to the crown of Aragon in 1344, the victorious King Pedro the Ceremonious—possibly from a desire to gratify his new

[1] *España Sagrada*, T. XLVII. p. 351.

[2] The continued existence of the University in the fourteenth and beginning of the fifteenth centuries would seem to follow from the facts mentioned by de la Fuente, I. p. 246, but I can discover nothing as to its later history. It must have practically disappeared before 1464, when Paul II's Bull for Huesca declares that 'in eodem Regno Aragonum nullum aliud studium viget generale.' (Aynsa, *Ciudad de Huesca*, p. 626.) We find, however, a royal visitation of the University in 1565. *España Sagrada*, T. XLVII. p. 357.

[3] *España Sagrada*, T. XLVII. p. 354.

[4] The facts about this College are collected by Denifle from Vatican Archives (I. pp. 505–6).

subjects and promote the fusion of the County with his older dominions—conceived the design of transferring the Studium from Lerida to some town in Roussillon. In confirming the privileges of Lerida in 1347 he inserts the clause 'so long as the said Studium shall remain in that City[1].' The contemplated suspension of the Studium of Lerida was never carried out; but in 1349 a royal edict[2] was issued erecting a new Studium Generale at Perpignan in all Faculties (including Theology), inviting doctors and scholars to attend it, promising the usual protection and directing the Consuls to provide a students' quarter in the city. The edict declares that there were Doctors teaching at Perpignan already: and as the Charter is said to be issued at the request of the Municipality, it is probable that the University must be regarded (like Huesca and perhaps Lerida) as an expansion of a Town-school of Law. Little or no effect, however, was produced by the new Charter. The University was a failure and the King (still apparently unfavourable to Lerida) made a more successful attempt to erect a new University at Huesca. The real existence of the University of Perpignan does not begin till the issue of a Papal Bull of foundation for all Faculties except Theology in 1379 by the Avignon Pope Clement VII[3], whom the University thereafter claims as its founder, at least when supplicating for benefices at the Papal Court[4]. One of these benefice-rolls (of 1394) contains the names of a Rector, four Licentiates and twenty-eight Bachelors of Law, one Master of Arts, three Bachelors of Medicine, 137 Scholars in Law and 207 in Arts—most of them from the dioceses of Elne, Gerona, and Urgel, with a few from more distant regions[5]. A Faculty of Theology was sanctioned by Nicolas V in 1447[6].

Foundation of Perpignan, 1349.

Bull of Clement VII, 1379.

The original Statutes[7] are based upon those of Lerida, but are influenced also by those of Toulouse and contain

Constitution.

[1] Doc. quoted by Denifle, I. p. 508.
[2] Fournier, II. No. 1482.
[3] Fournier, II. No. 1483. The early Royal Foundation included Theology.
[4] Fournier, II. No. 1487.
[5] Fournier, II. No. 1488.
[6] Fournier, II. No. 1513.
[7] Fournier, II. No. 1485.

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many original features[1]. The Bishop of Elne is Chancellor and approves of the Rector-elect in the name of the King. The Rectorship is usually held by a Bachelor or student, but a Doctor (probably not a salaried Professor) is occasionally elected. Of the ten Consiliarii two at least must be Bachelors of Law, and two members of the Faculty of Medicine or Arts. The salaried chairs are filled by the Consuls after consultation with the Rector and Council.

§ 6. HUESCA (1359).

The History of the University is dealt with by AYNSA Y DE YRIARTE, *Fundación &c. de la antig. Ciudad de Huesca* (Huesca, 1619), p. 613 *sq.*; and RAMON DE HUESCA, *Teatro histórico de las Iglesias del rigno de Aragón*, VII, Pamplona, 1797 (the latter I have not seen), both of whom print the most important documents, to which Denifle makes an important addition. No Statutes appear to be known before the printed edition of 1601.

The Roman School.

Huesca is the later name of the ancient Osca—the seat of the celebrated School opened by Sertorius for the instruction of Spanish youth. But it is of course impossible to establish any connexion between the School of Sertorius and the later University. The Saracen occupation by itself forbids the attempt to bridge over the gulf between the Roman and the medieval School.

Foundation by Pedro IV in 1359.

In 1354, probably in consequence of the failure of his attempt to found a University at Perpignan, Pedro IV issued a Charter creating one at Huesca[2]. The document is closely copied from the Charter of James II for Lerida, including the prohibition to study elsewhere[3].

[1] A remarkable feature is a specification of the length of time for lectures, which was in winter: Morning 3 hours, Tierce 2 hours, Nones 1½ hours, Vespers 2½ 'vel circa.' In summer the hours are shorter. I have not elsewhere noticed the term 'Camerarii,' who seem to have been private 'Repetitores.' The public Repetitions were here given by Bachelors.

[2] Aynsa, p 624.

[3] But with the exception as regards Theology, 'præterquam in Ecclesiis et ordinibus quibus solitum est legi prefatam Theologiam.' Doc. ap. Aynsa, p. 624, and de la Fuente, I. p. 317. There is no mention of Papal authorization in Pedro's Charter; he claims to found the Studium Generale entirely *suo jure*, and to bestow the privileges conferred by the Holy See on Toulouse, Montpellier, and Lerida.

Unlike Lerida, however, Huesca was provided with a Theological Faculty from the first. The method adopted for the endowment of the Studium was peculiar and suggests an amusing ignorance of the fundamental axiom of Political Economy. A tax was imposed upon meat sold in the chief market of Huesca. The consequence was that the inhabitants bought their meat in the cheaper market of the Moorish quarter. This mistake was corrected in a subsequent edict which extended the tax to the Saracen market. A heavy contribution was also laid upon the Saracen and Jewish communities. But, in spite of these provisions, the University did not succeed. The competition of Lerida, which, notwithstanding the monopoly clause in the Huesca Charter, continued to flourish, was too strong for it. By 1358 it appears that only one Bachelor of Law was lecturing in the place—a lecture which had been established by the inhabitants themselves long before the foundation of the University[1]. This last circumstance is interesting as showing that the University was in some sense an outgrowth of a Town-school of the Italian type. We hear nothing of a Chapter School or Maestrescuela. A privilege of King Martin is the only evidence of the continued existence of the University till the reign of John II, who in 1464 petitioned Pope Paul II in conjunction with the citizens for the renewal of the Papal privileges which, it was alleged, had been lost[2]. These, indeed, had never had any real existence, except in so far

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Bull of Paul II, 1464.

[1] 'Nec ibi nunc aliquis eorum legit nisi solum jam dictus Dominicus Egidii Davena bacallarius in legibus, quem ad legendum in dicta civitate homines universitatis ipsius (*i. e.* the town) de novo aduxerunt seu venire fecerunt, prout ante fundacionem ipsius studii homines jam dicti consueverunt tenere unum bacallarium, qui eorum filiis in dicta civitate legebat.' Edict of Pedro IV, printed for the first time by Denifle, I. p. 511 *sq.* (with other documents already printed by Ramon de Huesca).

[2] Bull of Paul II (ap. Aynsa, p. 625), appointing a Commission to enquire into the facts and renew the Studium Generale. It promises the privileges of Toulouse, Lerida, and Bologna. It should be observed that this Bull does not question the right of Pedro to found a Studium Generale solely *regia authoritate*, though it recites that the foundation was 'a sede Apostolica, ut asseritur, approbata et confirmata.'

CHAP. VII, § 7. as the Pope's general permission to the King of Aragon to establish a University in any town of his realm might be held to confer the power of founding Huesca as well as Lerida[1]. A Bull was, however, granted renewing the 'interrupted' Studium, and entrusting the right of promotion to the Archdeacon[2]. From the year 1473 the University began to be endowed in a more satisfactory way by the impropriation of prebends and other ecclesiastical property[3], and maintained a substantial though far from glorious existence till it was thrown into the shade by the revival of Saragossa towards the end of the sixteenth century.

§ 7. BARCELONA (1450).

My only authority is De la Fuente, I. pp. 236–240, and the documents printed by him, p. 232 *sq.*

The Statutes of the University of Lerida provide for a most imposing array of 'Nations,' from which representatives were expected by its sanguine founders to flock to the new seat of learning: and it was enacted that the Rector should be chosen from each Nation in turn. As a matter of fact, however, only two countries availed themselves of the opportunities thus placed within their reach in sufficient numbers for the establishment of academical Nations—the Aragonese and the Catalans. Lerida was perhaps selected for the seat of a University as lying in a central position, equally accessible from Aragon and from Catalonia. With this measure of independence the national or provincial aspirations of the King of Aragon's Catalan subjects were content till the year 1430, when the Town Council of Barcelona founded and endowed a Studium[4], for which in 1450 they obtained a Royal Charter from Alfonso V and a Papal Bull from Nicolas V[5] conferring

[1] Had Lerida been disestablished, this contention might have held good, but the Pope did not authorize the establishment of *two* Universities.

[2] The Bull is unpublished. Denifle gives its contents (I. p. 514).

[3] Aynsa, p. 630.

[4] De la Fuente, I. p 237.

[5] Printed ap. de la Fuente, I. p. 333 *sq.* The Pope declares that the Studium Generale is to be 'ad instar studii Tholosani,' and confers the privileges of that University: the King bestows those of Lerida and

on it the rights and privileges of a Studium Generale in all Faculties. It remained, however, very unimportant till its 'reformation' in the middle of the sixteenth century. Barcelona, like Majorca and Valencia, was a great seat of Lullianist doctrine[1].

§ 8. SARAGOSSA (1474).

De la Fuente, I. pp. 248 *sq.*, 340 *sq.*

We have seen that it formed part of the earlier and vaguer conception of a Studium Generale that one at least of the higher Faculties should be represented in it. In time, however, the idea of ecumenical validity for the degree became the most prominent part of the idea. Hence there was no theoretical objection to the creation of a Studium Generale in Arts only; but as a matter of fact, the only instance of such a creation within our period is the University of Saragossa, for which a Bull was granted by Sixtus IV in 1474[2]. The Bull recites that there had existed in the city 'from ancient times' a Studium in Arts, and that the senior Master had been styled Rector of the Studium. It proceeds, in accordance with the petition of the Chapter and Municipality, to create a Studium Generale in Arts only, to make the Master (*Magister Major*) Chancellor as well as Rector, and to give to the Masters and scholars all the privileges of Paris and Lerida. Bull of Sixtus IV in 1474.

Two years later, in consequence of disputes arising between this glorified Head Master and the Chapter as to the administration of what was no doubt originally a Chapter School, it was found expedient to procure another Bull making the Archbishop Chancellor and the Rector Vice-Chancellor, and giving power to the Chancellor, Vice-Chancellor and Chapter in conjunction to make Statutes for the government of the Studium[3]. Archbishop Chancellor, 1476.

Perpignan. The omission of Huesca testifies to the extinction of that University.

[1] De la Fuente, I. p. 147.

[2] Printed by de la Fuente, I. p. 340. A Studium Generale *ex consuetudine* in Arts only existed at Erfurt. See below, pp. 100, 243.

[3] Bull printed by de la Fuente, I. p. 344.

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The Studium, however, remained of so little importance that, when in 1541 steps were taken for the erection of a University in the higher Faculties, no notice whatever was taken of these earlier Bulls [1].

AVILA.

According to Zarate (*De la instrucción pública en España*, p. 208), a University was founded here in 1482 by Ferdinand and Isabella for Theology, Law, and Philosophy, and endowed with the confiscated property of the Jews: it was suppressed in 1807. Without seeing the documents, I do not venture to place it definitely among Studia Generalia even *respectu regni*.

§ 9. PALMA (1483).

DAMETO, *Hist. Gen. de Mallorca*, ed. 2, III. Palma, 1841.

Career of Raymundus Lullius.

It is impossible within the limits of this work to embark on so difficult and obscure a subject as the life and teaching of Raymundus Lullius—one of the strangest episodes in the philosophical history of the Middle Ages. Lullius acquired fame in two characters. He was the inventor and propagator of a fantastic system of Logic, including a logical machine which was (like the *Novum Organum* of Francis Bacon) to 'equal intellects' and solve all problems. At the same time he was an impassioned missionary who spent his life in inciting Pope and King to found Colleges for the study of Arabic and the conversion of the Saracens [2], and who died a martyr to his own zeal in the missionary cause. The scientific and the missionary enthusiasm were united by the confidence of its author that the 'Great Art' must perforce effect the conversion of the Arabs to the Christian faith. In both characters he left his mark upon his native Island of Majorca. It was through his persuasion that James I

[1] *l. c.* p. 249 *sq.*

[2] The decree of the Council of Vienne in 1311 for the creation of Oriental Chairs in the great Universities is supposed to have been largely due to his importunity. The document, which de la Fuente calls 'Aprobación de la doctrina de Lulio por le Universidad de Paris, 1309,' is wrongly described. It is a certificate of orthodoxy granted by the Bishop's Official on the evidence of certain individual Masters, Bachelors, and Scholars of Paris.

of Aragon was persuaded to found in 1276 a 'Missionary College of Minorites at Miramar for the study of Arabic[1].' This College obtained a Bull of Confirmation from John XXI[2], and perished before the death of Lullius: but in the latter half of the fourteenth century, and all through the fifteenth, the philosophical, medical, and scientific doctrines of Lullius seem to have been taught at various places in the Island. It is reasonable to suppose that this Studium, if such it can be called, traced its origin back to the founder of the sect: but it is doubtful whether any connexion can be established between it and the University founded at Palma in 1483 by Ferdinand the Catholic with the privileges of Lerida. The University, so far as appears, can only claim to rank as a Studium Generale *respectu regni*[3].

His College at Miramar.

§ 10. SIGÜENZA (1489).

Chapter in de la Fuente, *Universidades*, II. pp. 1-23, and Documents, pp. 525-545.

About the year 1476, Don Juan López de Medina, Licentiate in Decrees, Archdeacon of Almazán in the Church of Sigüenza, Canon of Toledo and ten other Churches, conceived the idea of devoting some portion of his ecclesiastical riches to a foundation of a very peculiar character. Outside the walls of Sigüenza he built a Convent to be called the Convent of S. Antonio de Portaceli, which he made over to the Franciscans or, in the event of their leaving it, to the 'Religious of San Jerónimo.' The occupants of the Convent were to be specially devoted to study; and in close connexion with this College-Convent three chairs of Theology, Canon Law, and Arts were erected, and endowed (by permission of the Founder's patron, Cardinal Mendoza, who was

[1] Dameto, III. p. 47. The Bull speaks of the 'Studium Generale Magistri Raymundi Lulli,' but this must mean only a Studium Generale for the Franciscan Order (*Studium Ordinis*).

[2] See the two chapters devoted to that subject in de la Fuente, I. 113 *sq.*, 241 *sq.*, and the documents in Dameto, III. p. 81 *sq.*

[3] Dameto, III. pp. 77, 449.

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Bishop of Sigüenza as well as Archbishop of Seville), the first two with Canonries and the last with a 'portion' in the Church of Sigüenza [1]. The Chairs were to be filled by secular clerks who had graduated at Sigüenza. It was from the first contemplated that others besides the Friars should attend the Studium: but in 1477 an independent secular College for a Rector and twelve Scholars (in memory of Christ and his Apostles) with four student-servitors was founded by the Archdeacon, and endowed by the annexation of a number of benefices or 'portions' [2] in various parochial Churches held by him whether in right of his Archdeaconry or otherwise. The patronage was reserved for the Founder and his heirs. It was from the first intended that the scholars should follow a regular course of a University character, but it was not until 1489 (after the Founder's death) that a Bull was obtained from Innocent VIII, authorizing the students of the College to receive the degree of Bachelor from the Doctors or Masters of the Studium and the degrees of Doctor and Licentiate from the Bishop as Chancellor after examination by the Doctors [3], and conferring upon them all the privileges enjoyed by graduates of other Universities. A College and a University were thus fused into one, the Rector of the College (who was assisted by two Consiliarii) becoming also Rector of the University [4]. The new form of University thus evolved became the model upon which similar College-Universities were afterwards erected at Alcalá and elsewhere in Spain.

College annexed, 1477.

College-University, 1489.

[1] De la Fuente, II. p. 1 *sq.*, 525 *sq.* A Hospital also formed part of the foundation.

[2] 'Beneficia simplicia, et præstimonia, ac præstimoniales portiones parochialium ecclesiarum de Palazuelas,' &c. *Ib.* p. 529.

[3] The Bull is unfortunately not printed by de la Fuente. Its contents are summarized (*Ib.* II. p. 16 *sq.*); Villanueva, II. 102.

[4] The Rector was at first elected for two years, afterwards for one. De la Fuente, II. p. 17. A dispute soon arose as to the admissibility of 'new Christians,' *i.e.* converted Jews or Saracens, which was decided against them in 1497. *Ib.* p. 543.

§ 11. ALCALÁ (1499).

The following is from Denifle, I. pp. 646-648, de la Fuente, *Universidades* II. p. 66: *Constitutiones insignis Collegii S. Ildefonsi ac . . . totius almae Complutensis Acad.*, Compluti, 1560.

In 1293 Sancho IV of Castile projected the foundation of a Studium Generale at Alcalá, and conferred upon it the privileges of Valladolid; but nothing seems to have been done in execution of the scheme. Nothing at all events is heard of any considerable Studium at Alcalá until 1459, when, on the petition of Alfonso Carrillo, Archbishop of Toledo, Pius II granted leave for the establishment of three chairs in Arts and Grammar by the impropriation of benefices [1]; but, as this Bull does not expressly create a Studium Generale and no promotions seem to have taken place, the School must rather be looked upon as a *studium particulare privilegiatum* until the year 1499, when a Bull of creation was issued for a University, or rather a College of San Ildefonso, with power to grant degrees, by Alexander VI, on the petition of the famous Ximenes, Archbishop of Toledo. The Founder of the College declared it to be on the model of the College of S. Bartholomew at Salamanca [2]. The right of promotion was bestowed upon the Abbot of the Collegiate Church of S. Justus and S. Pastor, and the graduates were endowed with the privileges of Valladolid, Salamanca, and Bologna. By the Papal Bull, Bachelor's degrees were to be conferred by the Professors of the College. The actual inauguration of the College took place in 1508, while the Statutes were not published till 1510. [3]

§ 12. VALENCIA (1500).

The following account is from de la Fuente, *Universidades*, I. pp. 228–235, II. p. 55 *sq.* Cf. Denifle, I. p. 643 *sq.* I have not seen ORTI Y FIGUEROLA, *Memorias históricas de la fundación y progressos de la insigne Univ. d. Valencia* (Madrid, 1730), or MIGUEL VELASCO Y SANTOS, *Reseña histórica de la Univ. de Valencia.* There are some documents in VILLANUEVA, *Viage literari*, T. II. p. 90 *sq.*

The history of this Studium is peculiarly interesting as an indication of the zeal of Spanish Municipalities in the

[1] De la Fuente, II. p. 556.
[2] De la Fuente, II. p. 559.
[3] De la Fuente, II. p. 66; Denifle, I. p. 648.

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cause of education. In 1246 Innocent IV granted a Bull exempting Regents in the Studium which the King of Aragon was intending to erect at Valencia from residence on their benefices[1]. It appears to have been intended to found a Studium Generale, since James I of Aragon proclaimed liberty to teach in Arts, Medicine, and Law at Valencia, and Innocent IV speaks of it as destined to be a Studium of the highest utility not only to the aforesaid realm, but also to its neighbours; but nothing further appears to have been done till 1374, when the City petitioned the King for a Studium Generale[2]: while on its own responsibility it proceeded to take the modest step of hiring a solitary Bachelor of Arts to begin teaching in the place. In Spain the right of a Council to establish a Studium (*i.e.* a Studium Particulare) was not so unquestioned as in Italy, nor the right of the Bishop and Chapter so well established as in Northern France. The Bishop excommunicated the Jurados of the City, and imprisoned the B. A. on the ground that the action of the Council infringed the monopoly granted by James II to Lerida. He was at length discharged on the strength of the earlier edict of James I: but the opposition of the Chapter seems to have thwarted the efforts of the Council to establish a more substantial Studium till 1389, when two Jurists, two Medical Doctors, four teachers of the Notarial Art, and one Master of Medicine and Arts, were commissioned to draw up Statutes. In 1412 a Studium of Arts with a code of Statutes was established by agreement between the Council and the Chapter[3]. Under the old permission of James I this Studium might possibly have claimed to be a Studium Generale *respectu regni*[4], though (according to the Siete Partidas) a School could not claim this distinction, even if founded by Royal authority, unless it included one of the higher Faculties; and there is no reason to believe that promotions ever took place here. The

[1] De la Fuente, I. p. 293.

[2] *Ib.* p. 320; Villanueva, II. pp. 105–7.

[3] Villanueva, II. p. 167 *sq.*

[4] It was also from the Papal point of view, under the Bull of 1246, a *Studium particulare privilegiatum.*

Studium at length obtained a Bull of foundation and privilege from the Valencian Pope, Alexander VI, in 1500 A.D.[1] As an indication of the advance of the Renaissance it may be noted that it was declared to be a Studium for 'Greek and Latin Letters' as well as for the usual Faculties.

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§ 13. LISBON AND COIMBRA (1290).

The principal monograph on this University is LEITÃO FERREIRA, *Noticias chronologicas da Universidade de Coimbra* (in *Collecçam dos Documentos da Acad. Real da Historia Portugueza*, Lisboa, 1729), which unfortunately contains but few documents. These DENIFLE (I. 519–534) largely supplements from the Vatican Archives. I have also made use of an anonymous *Notice Historique de l'Un. de Coïmbre*, Lisbonne, 1878. The short Statutes of 1309 and a few other documents are printed by RIBEIRO in *Dissertações chronologicas e criticas*, T. II. Lisboa, 1811, p. 241, and there are some notices and documents in BRANDAO, *Monarchia Lusitana*, Part V. Lisboa, 1752. RIBEIRO also deals briefly with Coimbra in *Hist. dos Estabelecimentos scientificos de Portugal* (Lisboa, 1871–76). The *Exposição succinta da organisação actual da Universidade de Coimbra* by the VISCONDE DE VILLA-MAJOR (Coimbra, 1878), contains an historical introduction, as also does the *Esboço historico-litterario da Fac. de Theologia da Univ. de Coimbra*, by MANUEL EDUARDO DE MOTTA VEIGA (Coimbra, 1872). For copies of the last two books and for some other information, I am indebted to the courtesy of Dr Viégas, Rector in 1891. For other authorities, see Villa-major, *l. c.* pp. 8, 9. There is a *Catalogo dos Pergaminhos do Cartorio da Univ. de Coimbra* (Coimbra, 1881), by MONTE PEREIRA; the oldest document catalogued is dated 1381. BRAGA, *Historia da Universidade de Coimbra*, T. I. Lisboa, 1892, came into my hands after this section was in type. It contains some fresh facts illustrated with considerable learning, but some of the quotations from Comte and Mr. H. Spencer might have been spared. There is a Portuguese translation of Denifle's section with notes by RODRIGUES (*A Universidade de Lisboa-Coimbra*), Coimbra, 1892.

The large number of Universities in Spain testifies to the essential distinctness of the Spanish kingdoms which continued to assert their individuality in spite of their rapid political amalgamation culminating in the Spanish Monarchy of Charles V. The unity of the kingdom of Portugal from its first foundation to the present day is proclaimed by the fact that throughout its history it has possessed (if we except the Jesuit University of Evora) but one national University[2]. Its Founder was the first Portu-

The one Portuguese University.

[1] De la Fuente, I. p. 347.

[2] Fortunato de S. Bõaventura (*Hist. da real Abbadia de Alcobaça*, Lisboa, 1827, p. 55) cites the charter of the Abbey of Alcobaça establishing in 1269 a Studium of Grammar, Logic, and Theology, 'ad communem utilitatem monachorum nostrorum *et*

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guese Sovereign who inherited the whole kingdom of 'Portugal and Algarve,' the first Portuguese monarch great in the arts of peace, the poet-king Diniz. While, however, the Portuguese University has ever since maintained a certain historic continuity, it has changed its local habitation more frequently than any other University in the world, with the exception of the ever-migratory University of the Papal Court. Its original seat was at Lisbon. There are some scanty notices of Church Schools before the University epoch at Lisbon[1], but most of them were monastic, and the most famous of the Portuguese Church Schools was not at Lisbon but in the Metropolitan City of Braga[2]. The University of Lisbon is one of those which were made, and not evolved. In 1288 a petition was presented to Nicholas IV by the Abbot of Alcobaça, the Prior of Santa Cruz in Coimbra and other ecclesiastics praying for the establishment of a Studium Generale to be supported by a tax upon the convents or benefices of the petitioners[3]. In 1290, accordingly, a Bull of privilege was issued[4]. It was not, however, quite in the form of an ordinary Bull of foundation. It recognizes the University as already founded by King Diniz[5], and recites that

Papal Bull for Lisbon, 1290.

omnium appetentium incomparabilem scientiæ margaritam': but as the Abbot of Alcobaça is found in 1288 at the head of the petitioners for a Studium at Lisbon, it may be assumed that no great success attended this interesting—and perhaps unique—attempt to establish something like a Studium Generale in connexion with a Monastery. Ribeiro (*Hist.* I. p. 13) also speaks of the foundation in 1286 by D. Domingos Jardo, Bishop of Evora and Lisbon, of a 'College or Seminary' for 'dez capellães, vinte merceeiros e seis escholares de latini, grego, theologiae canones.' But, without the original documents, I can give no further account of the institution. Evora was founded in 1558, *l. c.* p. 107.

[1] Motta Veiga, p. 22.

[2] *Mon. Lusit.* V. p. 524; Motta Veiga, p. 19.

[3] *Mon. Lusit.* p. 530; Ferreira, p. 41; Motta Veiga, p. 22. De la Fuente's claim (I. p. 69 *sq.*) for Coimbra as 'the most ancient University' in the Peninsula is quite unfounded.

[4] Much is made of the statement that S. Antony of Padua was sent to school at S. Mary's Church, close to which he was born: but it is clear that he was very young at the time, and the statement in the earliest life of the Saint ('sacris litteris imbuendum tradunt,' ap. *Portugaliæ Mon. Hist.* I. p. 117) probably implies no more than that he was taught to read his Psalter.

[5] 'Sane ad audientiam nostram pervenit, quod procurante charissimo

an endowment has been already provided by certain Monasteries, Prelates, and Rectors. It sanctions taxation of lodgings in the Paris and Bologna fashion, grants dispensation from residence to Masters and students, exempts them from lay jurisdiction, and authorizes the Bishop of Lisbon [1] (or *sede vacante* the Vicar-capitular) to confer the *jus ubique docendi* in all Faculties except Theology. But, in spite of Royal and Papal protection, the citizens of Lisbon soon manifested with exceptional ferocity that hatred for young clerks which was everywhere more or less entertained by medieval citizens. Riots like those which had nearly driven the great French University from the capital proved fatal to the Studium at Lisbon. In 1308–9 the University was transferred to Coimbra—a smaller and quieter City, though at that time a Royal residence—with fresh Papal and Royal charters of Privilege [2]. The endowment of the University was now provided for by the impropriation of six Churches in the King's patronage [3].

Transferred to Coimbra, 1308–9.

The shade and retirement of Coimbra proved, it would seem, even less favourable to academic prosperity than the turmoil and strife of Lisbon. In 1338 a petition was presented to the King for the re-transference to Lisbon of the University which Diniz had declared to be 'ineradicably' planted at Coimbra—a change which was carried out in that or the following year [4]. But, whether owing to a renewal of the old hostilities or otherwise, the year 1355 saw the restless University re-established at Coimbra. This migration seems to have been more fatal than the former. A petition presented to Clement VII in 1377 informs his

Back to Lisbon, 1338–9.

Return to Coimbra, 1355.

in Christo filio nostro Dionysio Portugal. Rege illustri, cujuslibet licitæ facultatis studia in Civitate Ulixbon. sunt de novo . . . plantata.'

[1] The see became an Archbishopric in 1394.

[2] Ferreira, p. 94; *Mon. Lusit.* V. p. 531: Motta Veiga, p. 241. The petition to the Pope explains the cause. Extracts are given from this and other documents by Denifle, I. p. 524.

[3] *Reg. Clem. V.* Romæ, 1885, No. 2666. Braga (I. p. 112) cites a royal edict of 1323, distributing salaries—600 livras for Law, 500 for Decrees, 200 for Physics, 200 for Grammar, 100 for Logic, 75 for Music. This was apparently provided for out of Churches belonging to the military Order of Christ. Other impropriations followed (*ib.* p. 115).

[4] Docs. ap. Ferreira, p. 140 *sq.*

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Holiness that there was no longer any Studium Generale existing in Portugal[1]. It appears, however, that in that year the University was formally re-established in Lisbon[2], though it was not till 1380 that a regular foundation-bull of the ordinary type was issued, taking no account of the previous existence of a University either at Coimbra or Lisbon, and conferring the *jus ubique docendi*. At Lisbon it remained, with a greater degree of prosperity than it had enjoyed at any former period, till the year 1537, when—this time against its will—it was transferred once more to Coimbra in the interests of study and morality[3]. At Coimbra, in spite of the modern tendency to educational centralization, the University still remains: but he would be a bold man who should positively affirm that the students of Portugal have performed the journey from Coimbra to Lisbon for the last time. Portugal remains almost the only independent State in Europe (unless, indeed, we should add our own) whose capital is not the seat of a University.

University transferred to Lisbon again, 1377.

Final return to Coimbra, 1537.

In the earlier days of the University Theology had been taught, as in other University Towns where there was no theological Faculty, in the Convents. We first hear of a Doctor of Theology (who must have graduated elsewhere) teaching at Coimbra at the beginning of the fifteenth century: and a regular Faculty of Theology was founded and endowed with impropriations in 1411[4].

Theological Faculty, 1411.

The Royal charter of privilege issued in 1309 and the very short statutes apparently made at the same time are sufficient to show that the constitution must have been a student-constitution on the Bologna model. The

Constitution.

[1] It also speaks of the former Studium in Lisbon as having been only a *studium particulare*. Either the old Charters were forgotten or the assertion must mean that the Studium never *de facto* came up to the standard implied by the expression Studium Generale. This and the documents next alluded to are unpublished, but extracts are given by Denifle, I. p. 531. There has been much uncertainty and confusion about these changes in previous writers.

[2] Braga, I. p. 120.

[3] *Ib.* p. 448 *sq.* A charter for the transference to Coimbra was issued in 1443 by the Infanta Don Pedro, but came to nothing. *Ib.* p. 144.

[4] Denifle, I. p. 533.

influence of Alfonso the Wise and his Salamancan Charter is plainly discernible. How many Universities or Nations then existed is not known, but there was certainly a plurality of Rectors[1], and the Statutes enforce attendance at Congregation and obedience to the Rectors in other ways—particularly in case of a Cessation[2]. The prominence of this feature is noteworthy: it is hardly too much to say that Universities were in their origin Societies for enforcing Student-rights by the threat of Cessation or Migration. The Royal Charter confers all the usual scholastic privileges. It recognizes the jurisdiction of the Bishop and Master of the Schools over the scholars, but without derogation to the Bologna right of trial by the scholar's own Master[3]. Houses were to be taxed, not as usual by two scholars and two citizens, but by two scholars and two members of the Royal Council.

Royal interference.

The exercise of the Royal Prerogative in the government of the University—a characteristic feature throughout the Peninsula—was peculiarly marked in Portugal. From the middle of the fifteenth century the appointment of Professors rested with the 'Protector' of the University, who was usually either a Royal Prince or the King himself[4].

[1] After the return to Lisbon in 1377, there is only one Rector. Ferreira, p. 202.

[2] 'Statuimus, ut Doctores et Magistri obediant Rectoribus in licitis et honestis, ut cesent a legendo, si et quando ex aliqua causa rationabili per eosdem, sive ex parte ipsorum, eis fuerit demandatum, habita tamen prius deliberatione cum Oficialibus, et facta promulgatione in Congregatione generalli.' Ribeiro, II. p. 241. A later Royal Statute, dated 1471 (? of the Era), is given in Ribeiro, II. p. 265. It shows that the Chairs were still elective.

[3] 'Episcopum vel eius Vicarium, seu Magistrum scholarum, si hoc noscatur ad suum officium pertinere. Per hoc tamen legi dicenti quod Magistri in suos scholares ius dicere valeant non intendimus derogare.' (*Mon. Lusit.* V. p. 532; Motta Veiga, p. 34.) Scholars are protected from the secular Courts, 'nisi forte in homicidio, vel vulnerum illatione, seu furto, vel rapina, aut mulierum raptu, vel falsæ monetæ fabricatione fuerint comprehensi.' (*Ib.*) The influence of Salamanca is still more plainly discernible in the Royal decree of 1323 apportioning the salaries. It provides for a Chair of Music. Ferreira, p. 114: cf. above, p. 103, n. 3.

[4] The illustrious Henry the Navigator was the first Protector elected by the University in 1418. Braga, I. p. 135; Villa-major, p. 31. He endowed a chair of Theology by his will in 1460, and had founded a University building in 1431. Braga, I. pp. 130, 160. As to his School of

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Eventually the University was deprived of the power of making Statutes for itself, and even of the management of its own property[1]. At the present day the King is Protector of the University[2]. A College for sixteen Scholars in Grammar and Arts was founded by the will of Doctor Diego Affonso de Mongancha in 1447[3], but the College system never attained any considerable development in Portugal.

College of Diego Affonso, 1447.

Medieval traditions of Coimbra.

Coimbra still retains perhaps more of the appearance and atmosphere of the old medieval University Town than any City of Continental Europe. There, almost alone in Europe outside the British Isles, students of all Faculties may be seen parading the streets in academical costume. Their dress is, indeed, much more obviously the descendant of the old 'clerical habit' of the medieval student than the scanty gown of the Oxford Commoner[4]. In its Theological Faculty too there would seem to have lingered a more important and (so far as Catholic Europe is concerned) still rarer survival of the Middle Ages,—some faint tradition of the old antagonism to Roman autocracy of which the secular University Schools of Theology were so long the depositaries[5].

Mathematica, *Nautica*, and *Geographia*, founded at Sagres in 1419, see Braga, I. pp. 135, 160.

[1] This last step was taken in 1414. Braga, I. p. 133.

[2] The appointments to Chairs in the University of Coimbra are still made after a public competitive lecture, as in the Middle Ages. *Notice Historique*, p. 150. Another curious survival is the degree of *Baccalarius formatus* (*l. c.* p. 100). The system of examination by *puncta* is still in vogue at Coimbra, and the examinations are still preceded by the Mass of the Holy Ghost.

[3] Braga, I. p. 140 *sq.*

[4] A Statute of 1321 required Doctors, Licentiates and Bachelors to wear gowns reaching to the heels, Undergraduates' gowns reaching to the middle of the thigh. At the present day 'the Coimbra man wears a gown not unlike the Johnian gown at Cambridge: he has no cap; but the *gorro*, which was originally the begging-pouch [!], and which he carries in his hand, serves to cover his head when the sun is very powerful.' *Handbook for Travellers in Portugal* (London: John Murray, 1875), p. 99. The robes of Coimbra Doctors vary with the Faculty. D.D.'s wear white; Doctors of Law, red; of Medicine, yellow; of Arts, blue. These colours, according to the *Notice Historique* (p. 35), date from the medieval period. The same writer describes the costume of the Undergraduate as consisting 'd'une soutane, d'un manteau et d'un bonnet de drap noir' (p. 173).

[5] 'The whole tone of theological teaching at Coimbra is very much

The leading features of the Spanish and Portuguese Universities may be summarized as follows:—

Summary.

(1) Their most conspicuous characteristic is their close connexion with the Crown. They were created by the Sovereigns of the various kingdoms and many of them long or permanently continued to dispense with any further authorization than was conveyed by Royal Charters. These Studia Generalia *respectu regni* are peculiar to the Spanish Peninsula[1]. In all the Royal authority was frequently exercised in their government, and in some the Chancellor was a Royal nominee.

(2) In their internal constitution and government they are more or less closely modelled on the Bologna type.

(3) But the last mentioned fact does not exclude a close connexion also with Cathedral or other Churches. Some of the Universities (especially those of Castile) were distinctly developments — though artificial developments under Royal authority—of ancient Chapter-schools; and except where (as at Lerida) the Chancellor is a Royal nominee, the Bishop and the capitular Master of the Schools exercise considerable authority in the Studium.

(4) In the less ecclesiastical Studia — especially in Aragon—the Cities also take some part in the erection and government of the Universities.

(5) The chief sources of endowment are the thirds of the ecclesiastical thirds bestowed on the Universities by Royal authority with ecclesiastical sanction or impropriations of Crown benefices or taxes on ecclesiastical property.

opposed to Ultramontane tenets, and several of the text-books employed are in the Roman Index.' Murray's *Handbook*, p. 100. But one at least of these books seems to have been abandoned in 1845. See Motta Veiga, p. 278. Opposition to Ultramontane Salamanca may possibly explain the phenomenon, or more probably hostility to the Jesuits, who dominated education in Portugal down to 1772.

[1] In any formally recognized shape. It is possible that at one time the position of many Studia (*e.g.* Cambridge in its earliest days, and of Erfurt before the Papal Bull) might well have been thus described. See below, Chap. ix, § 3, and Chap. xii, § 8.

CHAPTER VIII.

THE UNIVERSITIES OF FRANCE.

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Short accounts of the French Universities may be found in old books such as Limnæus, *Notitia Regni Franciæ*, Argentorati, 1655, T. II. p. 392 *sq.*, and Piganiol, *Description de la France*, Paris, 1753. Riancey, *Histoire de l'instruction publique et de la liberté de l'enseignement en France*, Paris, 1844, Ludwig Hahn, *Das Unterrichtswesen in Frankreich mit einer Geschichte der Pariser Universität*, Breslau, 1848, and Théry, *Histoire de l'éducation en France depuis le Ve siècle jusqu'à nos jours*, Paris, 1858, touch on our subject but do not enter in any detail into the organization of the University system. No work of any importance on the subject as a whole had appeared till the publication of Tom. III. (no other vol. published) of Marcel Fournier's *Histoire de la Science du Droit en France* (Paris, 1892), which is devoted to *Les Universités françaises et l'enseignement du Droit en France au Moyen-Âge* (dealing in detail with Orleans, Angers, Toulouse, Montpellier, and Avignon). Though M. Fournier's method is somewhat dry and involves much repetition, the volume is not unimportant, at least from the special point of view indicated by the title of the larger work of which it forms part. As, however, the following chapters were practically finished before it came into my hands, my own indebtedness is small: but I am under great obligations to the same writer's work, *Les Statuts et Privilèges des Universités françaises depuis leur fondation jusqu'en* 1789. Paris, T. I. 1890, T. II. 1891, T. III. 1892—a most valuable collection of documents, edited without much annotation, with too much haste, and with insufficient acknowledgements to Denifle. It has accordingly been severely criticized by Denifle in a pamphlet, *Les Universités françaises au Moyen-Âge*, Paris, 1892, where a few omitted documents are printed. For minor magazine articles and pamphlets on the various Universities, often dealing hardly at all with the medieval period, the reader may be referred to the ample bibliographies in both of M. Fournier's books.

Introductory.

Writers who divide Universities into two sharply contrasted groups—the Universities of Masters and the Universities of students—have usually assigned the French Universities other than Paris, with few exceptions, to the latter class. That the older French Studia, even those so near Paris as Orleans or Angers, were little influenced, either in their original constitution or in their

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subsequent development, by the example of that University, is undoubtedly true. They cannot, however, with any propriety be regarded as imitations of Bologna. In their original form they represent on the whole a distinct type of University organization: the oldest of them must be numbered among the Universities which grew and were not made. In their subsequent development they were no doubt powerfully influenced by the Bologna model; some of them did eventually become on the whole Universities of students rather than Universities of Masters, but still (as we shall see) they were student-Universities of a very modified type In so far as this transformation was due to the influence of Bologna, that influence finds its most natural explanation in the fact that they were mainly Universities of Law. In the South of France there was the same demand for Law that there was in Italy; while even in parts of France that were governed by customs not of directly Roman origin, an education in Roman Law was the ordinary preparation for the career of the secular as well as of the ecclesiastical lawyer, and the exclusion of Civil Law from Paris created a demand for law-teaching even in the immediate neighbourhood of the great Northern University. There were parts of France no doubt which sent students in equal numbers to scholastic Paris and to the legal Universities of Orleans, Angers, and Montpellier. Often of course the same individual studied in both. Still it is worth remarking how large a proportion of the students of Paris came from the North and East of Europe: the names of the Parisian Nations are a sufficient attestation of the fact. Of the Law Universities, on the other hand, a large proportion were situated in the South of France; and even Orleans and Angers—though both on the northern bank of the Loire—drew the majority of their students from France south of the Loire, that is to say, from the most Romanized part of France, the region whose social and political condition most resembled the original home of the great Law Revival of the twelfth century. This is particularly the case with the University which, on

the whole, has the best claim to the first place in a chronological list of the French Universities other than Paris.

§ 1. MONTPELLIER.

The older authorities are: STROBELBERGERUS, *Historia Monspeliensis*, Norimbergæ, 1625. [RIOLAN], *Curieuses Recherches sur les Escholes en Médecine de Paris et Montpellier*, Paris, 1651. AIGREFEUILLE, *Histoire ecclesiastique de la ville de Montpellier*, Montpellier, 1737. ASTRUC, *Mémoires pour servir à l'histoire de la Faculté de Médecine de Montpellier*, Paris, 1767. PRUNELLE, *Fragmens pour servir à l'histoire des progrès de la Médecine dans l'Université de Montpellier*, An. 9. Many other historical pamphlets were evoked in the seventeenth century by the exclusion of Montpellier Doctors from practice in Paris which led to an acrimonious controversy. PRIMEROSE, *Academia Monspeliensis*, Oxoniæ, 1631, contains no history.

The most elaborate work on the history of the University has been done by GERMAIN in his *Histoire de la Commune de Montpellier*, Montpellier, 1851 (New ed. 1879: I have used the first edition), and in a number of monographs of which the most important are *L'École de Droit de Montpellier*, 1877; *La Méd. arabe et la Méd. grecque à Montpellier*, 1879; *L'École de Médecine à Montpellier*, 1880; *Les Maîtres de Chirurgie de Montpellier*, 1886; *Le Cérémonial de l'Université de Médecine de Montpellier*, 1879; *Du Principe démocratique dans les anciennes Écoles de Montpellier*, 1881; *La Faculté des Arts et l'ancien Collége de Montpellier*, 1884; *La Faculté de Théologie de Montpellier*, 1883. These and many other articles more or less relating to the University appeared originally in the *Mémoires de la Société archéologique de Montpellier*, 1860–1881. KÜHNHOLTZ, *Hist. de l'Un. de Montpellier* (Paris, 1840); FAUCILLON, *La Fac. de Droit à M.* (1868), *La Fac. de Théologie à M.* (1857), *La Fac. des Arts de M.* (1860), *Le Coll. de Vergier* (1859); GERMER-DURAND, *L'Un. de M. au XIVe siècle* (1841), and MAXIME DE LA BAUME, *L'École de Droit de M.* (Montpellier, 1869) are slight works of no importance. There is an article by VIGIÉ in the *Rev. des Deux Mondes*, 1890 (*De l'Un. de M., son passé, son avenir*).

Germain's earlier works are now largely superseded, as collections of documents, by the magnificent *Cartulaire de l'Université de Montpellier*; of this, however, only Tom. I. has appeared (Montpellier, 1890), to which he has contributed an Introduction. Germain is one of the best and most readable University historians, though not always quite trustworthy as to academical technicalities. Astruc is the most important of the older writers, though of the superstitious order, seeking to make Montpellier older than Salerno. Mlle GUIRAUD has produced elaborate histories of the Colleges of St. Bénoit and Mende in *Les Fondations du Pape Urbain V à Montpellier*, Montpellier, 1889-91. I have also consulted CASTELNAU, *Notice sur la vie et les ouvrages de Placentin* in *Mém. de la Soc. archéol. de Montpellier* (I. 480), and THOMAS, *Le Collége de Pésenas* (*ib.* III. p. 730). See also the books on medical history mentioned above, vol. I. p. 75, to which may be added MONTEIL, *La Médecine en France*, ed. Pileur, Paris (1874), and articles by BOYER in *Montpellier Médical*, 1882.

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Montpellier but slightly connected with France.

In 1204 Montpellier lost even feudal dependence upon France, which was not restored until it passed under the immediate sovereignty of the French Kings in 1349. Not only was this independence retained much longer by Montpellier than by the neighbouring dependencies of the French Crown, but the Pyrenees were not then the boundary-line that they have since become. The Spanish Saints reverenced in the diocese of Montpellier still testify to a Visigothic origin[1], and during the Moorish occupation of Spain the Spanish element in its population was increased by large numbers of fugitives from the Peninsula[2]. Throughout our period the Mediterranean, that great highway of the ancient world, brought Montpellier and the neighbouring towns into closer connexion with Aragon, and even with Italy, than with Northern France and its capital.

Its political position.

The once distinct towns of Montpellier and Montpelliéret. which have now coalesced into the present town of Montpellier, were situated on the opposite sides of the hill from which the latter name is taken. Both were once feudally dependent upon the Bishop of the older see-town of Maguelone: but in the tenth century Montpellier passed, as a fief held of the Bishop, to the Guillem family, who were themselves vassals of the Counts of Melgeuil. From the beginning of the thirteenth century these Guillems became closely connected by marriage, by alliance in war, and by feudal dependence with the Kings of Aragon. On the other hand, Montpellier was no less closely connected with the Papacy. In 1085 Count Peter of Melgeuil submitted to the feudal suzerainty of Gregory VII, whose successor appointed the Bishop of Maguelone his perpetual Vicar or representative. The Guillems, too, all through their history, were characterized by a romantic and passionate loyalty to the Holy See. They were a family of crusaders; and were among the most ardent champions of the Popes against Frederick II. Their sympathies were clerical and ultramontane to the core. One scion after another of the

[1] Germain, *Commune*, I. p. ix. [2] Astruc, p. 5.

family ended his days in a monastery. The town itself was no less profoundly ecclesiastical in spirit: Montpellier was a 'Catholic centre in the midst of the Albigensian country[1].' Under these circumstances it is natural to find that at least one important modification was introduced into the Bologna constitution when it was imitated by the legal University at Montpellier. From first to last the University was more closely dependent upon the Bishop than was the case even at Paris or in England[2].

I. *The University of Medicine.*

Early notices of the Medical School.

The earliest fame of the Schools of Montpellier was not legal but medical. The first notice of a medical School at Montpellier occurs in 1137, when Adelbert, afterwards Archbishop of Mainz, is said to have studied here after having gone through a course of Arts at Paris[3]. In the days of John of Salisbury it stood almost on a level with the School of Salerno. In enumerating the careers open to Parisian students when weary of Grammar and Dialectic, he says, 'Others went to Salerno or Montpellier and became clients of the Physicians[4].' And

[1] Germain, *l. c.* I. p. lxiii.

[2] The ecclesiastical character of the University itself is less marked. The tonsure is only enforced in the case of clerks beneficed or in holy orders and religious. *Cartulaire*, I. p. 181; Fournier, II. No. 882. We find the Chancellor may be a 'clericus conjugatus, in minoribus ordinibus constitutus,' *Cartulaire*, I. p. 249; Fournier, II. No. 924.

[3] Fournier, II. No. 877. The passage cited by Astruc (p. 10) is not to be found in Strange's edition of Cæsar Heisterbachensis, lib. vii. c. 25, to which Denifle (I. p. 341) also refers. S. Bernard (*Ep.* 37, Migne, T. 182. c. 512) speaks of the Abp. of Lyons going to Montpellier to be cured, where 'cum medicis expendit et quod habebat, et quod non habebat.'

[4] 'Alii autem, suum in Philosophia intuentes defectum, Salernum vel ad Montempessulanum profecti facti sunt clientuli Medicorum, et repente quales fuerant Philosophi, tales in momento Medici eruperunt; fallacibus enim referti experimentis, in breui redeunt, sedulo exercentes quod didicerunt. Hippocratem ostentant, aut Galenum, verba proferunt inaudita, ad omnia suos loquuntur Aphorismos, et mentes humanas velut afflatas tonitruis sic percellunt nominibus inauditis. Creduntur omnia posse, quia omnia iactitant, omnia pollicentur.' *Metalogicus*, lib. I. c. 4. Note that the Medicine taught both at Montpellier and Salerno is that of Hippocrates and Galen—not a hint of Oriental influence. John of Salisbury's estimate of the Medicos of his time is curiously like Molière's view of their

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the fame of Montpellier increased while that of Salerno decreased.

Its origin.

The origin of this School is wrapped in obscurity. It may have been an offshoot from Salerno. On the other hand, those who are fond of seeing 'Saracenic' influence at work in all the intellectual movements of the Middle Ages may here indulge their *penchant* with some plausibility. The origin of the town is traditionally connected with the destruction of the older city of Maguelone, and of the Saracenic power on the shores of the Mediterranean, by Charles Martel in 737, when the fugitives are said to have taken refuge at Montpellier; and there was a considerable Arabic as well as Jewish population in the town as late as the thirteenth century[1], while many of the original inhabitants were Spaniards who had long resided among the Moors[2]. It is possible that some tradition of medical science or skill may thus have survived the downfall of the Saracenic Empire, and may have accounted for the direction here taken by the general revival of the European mind in the twelfth century. Or again, somewhat less improbably, the new impulse may be ascribed more directly to contact with the flourishing Jewish and Arabic schools of Spain in the twelfth century, or with the Jewish Schools of Medicine at Arles and Narbonne[3]. The names of the

seventeenth century brethren. To the twelfth century also belong the lines (from a poem on Becket):

'Vicit Cantuaria Montem Pessulanum
Victa (et) Salernia jactant se in vanum.'

In du Méril, *Poésies Populaires Lat. du moyen-âge*, Paris, 1847, p. 91. Cf. also Matthew Paris, ed. Luard, V. pp. 453–4, 647. Extracts from the letters of a Montpellier student at the end of the twelfth century are printed in the *Cartulaire*, I. 700; Fournier, II. No. 880. Ægidius Corboliensis (*c.* 1198) tells of a certain Renaudus

'Qui Pessulani pridem vetus incola Montis
In medicinali doctor celeberrimus arte
Jura monarchiæ tenuit,'

who afterwards turned monk and attended the poor *gratis*. Leyser, *Hist. Poet. Med. Ævi*, p. 574.

[1] Germain, I. p. lxiv *sq.*

[2] They were attracted by the privileges offered by Louis the Pious, *Recherches sur Aristot.* p. 91.

[3] This is the view of Germain, I. p. lxx, and was apparently the tradition current at Montpellier in the time of Strobelbergerus. Prunelle traces the origin of the School

three Nations into which the legal University was divided —Provence, Burgundy, Catalonia[1]—are a sufficient indication of the districts from which Montpellier drew its students. At the same time the markedly ecclesiastical character of the School forms an objection to the theory that the earliest Montpellier Medicine was immediately derived from Jewish or Arabic sources, while there are no actual traces of the influence of the Arabic Physicians until the end of the thirteenth century, and even then Hippocrates and Galen were more studied than Avicenna and the Arabs[2]. In all probability the teaching of the School was originally based, like that of the Salerno Doctors, upon the works of the old Classical Physicians, Hippocrates and Galen. At Montpellier, unlike the *Civitas Hippocratica*, the importance of Galen seems always to have been greater than that of the older Physician[3]. The Montpellier medical tradition was perhaps a survival from the old Roman Municipium, just as the Medicine of

to the Arabs and Jews combined (p. 15). It is worthy of note, as a datum for further investigation, that there was a large settlement of Greeks at Marseilles during the ninth, tenth, and eleventh centuries. Jourdain, *Recherches sur Aristot.* p. 45. Marseilles also carried on an extensive commerce with the Saracens of Spain. *Ib.* p. 92. The Jewish traveller, Benjamin of Tudela (ed. Asher, vol. I. p. 33), before 1173, says of Montpellier, 'You there meet with Christian and Mahometan merchants from all parts.'

[1] *Cartulaire*, I. p. 319; Fournier, II. No. 947.

[2] In 1284 the *Canones de medicinis laxativis* were translated *viâ* the Hebrew under the direction of the Montpellier doctor, Armengaud, son of Blaise. Renan, *Averroès*, pp. 217, 218. Another argument against an Arabic origin is the tradition that a Montpellier doctor wrote against Averroës. Germain, *Commune*, III. p. 74. The introduction of the Arabic medicine seems to have been largely due to the influence of Arnauld of Villeneuve, on whose advice Clement V prescribed the books which every candidate for the Doctorate must possess. Arnauld is said to have travelled in Spain and to have known Hebrew and Arabic. Monteil, ed. Pileur, p. 68.

[3] In the books prescribed by Statute in 1309 and 1340 the works of Galen predominate over Avicenna. See below, p. 123. A later series of documents, extending from 1488 to 1555, show a greatly increased proportion of Arabic books. In 1494 of eight courses, five are upon Avicenna, two upon Galen, and only one upon Hippocrates (Germain, *La Méd. Arab.*, p. 10). It is not till 1534 that the tide begins to turn, under Renaissance influence, in favour of the Greeks again (*ib.* p. 12).

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Salerno was an inheritance from the days of Magna Græcia. We must, however, carefully distinguish between the influence of Arabs and Jews as transmitters and translators of medical works, and the influence of their own somewhat over-estimated contributions to medical science. To suppose that the medical School at Montpellier was founded by disciples of Avicenna or Razes is quite inconsistent with what we know of the early traditions of the School. But it is quite conceivable that the earliest copies of Hippocrates and Galen studied at Montpellier may have been brought there by Saracens, or more probably Jews, and it is practically certain that they were (with very few exceptions) translated from Arabic versions[1]. But whatever be the exact origin of the School, we cannot be wrong in connecting the prominence of Medicine at Montpellier with the comparatively advanced state of material civilization in the rich and prosperous commercial cities in the countries bordering upon the Mediterranean. The study of Medicine prospered at Montpellier from the same causes which ensured its prosperity in Italy. Before the days of Mechanism, Medicine was the one branch of speculative knowledge which had a distinct commercial value.

Medical University.

Not only the medical School but its organization in University form was much more ancient than the University of Jurists. The two Universities were always quite distinct from each other and from the University of Arts. The constitution of the University of Medicine is not, so far as we know, directly derived from any earlier model. A proclamation of Guillem II, Lord of Montpellier, in 1181, allowing all who will freely to teach Medicine at Montpellier suggests that at present neither Masters nor Bishop possessed—or at least possessed undisputedly—the right of granting or refusing the *licentia docendi*[2], if its language does not positively

[1] See below, App. XXXI. The only exceptions are a few late Greek books.

[2] Guillem promises 'quod ego, de cetero . . . non dabo concessionem seu prerogativam aliquam alicui persone, quod unus solus tantummodo legat, seu scolas regat in Montepes-

exclude the existence of a magisterial society. At all events the Masters soon began to imitate the guild-system already established at Bologna and Paris and probably at Salerno, while the Bishop claimed that authority over the Schools which was everywhere enjoyed by the Church north of the Alps. The ceremonies of graduation were more probably borrowed from Bologna than from Paris, if indeed the Medical University of Montpellier does not represent an almost independent application of the guild-principle to scholastic organization. The first allusion to the existence of a University of Medicine occurs in 1220, when the Statutes which speak of a 'Universitas medicorum tam doctorum quam discipulorum[1]' were confirmed by the Cardinal Legate Conrad[2]. By these Statutes it was provided, apparently for the first time, that the Bishop should appoint a Chan-

The Statutes of 1220.

sulano in facultate fisice discipline. . . . Et ideo mando, volo, laudo atque concedo in perpetuum, quod omnes homines quicumque sint, vel undecumque sint, sine aliqua interpellatione regant scolas de fisica in Montepessulano.' *Cartulaire*, I. p. 179; Fournier, II. No. 879. James I of Aragon in 1272 forbade Jews or Christians to practise Medicine at Montpellier who had not been duly examined and licensed. *Cartulaire*, p. 202; Fournier, II. No. 896. This *licentia practicandi* was distinct from the Doctoral Licence. *Cartulaire*, pp. 195, 217; Fournier, II. Nos. 891, 909.

[1] The phrase was often used at Paris and other Universities ruled by the Masters. The Statutes make it plain that all power was with the Masters; the Code is conceived entirely in their interest. The fact that a Master-University was established rather than a Student-University may possibly be due in part to the precedent of Salerno; but we know too little of the organization of Salerno to say whether it exerted any influence upon Montpellier. The system of examinations and graduation-ceremonies resembled in the main those of Bologna. At inception the Doctor was girt with a golden cincture in addition to the other *insignia*. (Fournier, II. No. 1194.) It is worth noting that a S. Andrews Doctor of Medicine still wears the cincture.

[2] *Cartulaire*, I. p. 180; Fournier, II. No. 882. They were confirmed in 1239 by another Legate (*Cartulaire*, I. p. 185; Fournier, II. No. 884); and in 1240 we find the Masters appointing arbitrators to interpret or modify these Statutes. It seems that this is the first attempt at legislation on the part of the Society itself, and we hear of no more Statutes made in this way till 1313. *Cartulaire*, I. pp. 186, 229; Fournier, II. Nos. 885, 914. Fournier (*Hist.* III. p. 353) speaks of the Statutes as 'en partie extraits de ceux de Salerne de 1231.' The traces of indebtedness seem to me extremely slight.

CH. VIII. § 1. Chancellor.

cellor to preside over the University. The Chancellor was to be nominated by the Bishop together with three Masters —the senior among them and two others named by him and the Bishop [1].

The Montpellier Chancellorship offers the nearest parallel that any continental University presents to the Chancellorship of Oxford, established in like manner by Legatine authority only six years before [2]. The powers of the Chancellorship were, however, much more limited than those attached, even at its first institution, to that office in the English Universities. The Chancellor of Montpellier resembled the Chancellors of Oxford and Cambridge in being the presiding officer of the University as well as the representative of the Bishop, and also in the absence of connexion with any capitular body. But at Montpellier the Chancellor's jurisdiction was purely civil. Maguelone was nearer to Montpellier than Lincoln to Oxford, or even Ely to Cambridge. Here the Bishop always reserved to himself the criminal and spiritual jurisdiction over Masters and scholars, an appellate civil jurisdiction, and also the right of conferring the Licence. Even in the absence of the Bishop, he was represented not by the Chancellor but by his ordinary Official. All Statutes required the episcopal confirmation. It was not till the fourteenth century that the Masters obtained any legal control over the Bishop and the Examiners of his choice in the admission to the Licence and Doctorate. Indeed, in 1289, we hear of the Bishop imprisoning Examiners who refused to pass a candidate until they withdrew their objections. These arbitrary proceedings led to an appeal to the Holy See [3], and at length,

[1] 'Episcopus Magalonensis, adjuncto sibi antiquiore magistro, et postea aliis duobus eis adjunctis magistris discretioribus et laudabilioribus, juxta testimonium extrinsecus et secundum conscientiam propriam, eligat cum predictis sibi adjunctis unum de magistris, sive sit de illis tribus sive de aliis, qui justitiam exhibeat magistris et scholaribus, vel aliis contra magistros vel scolares agentibus, querimonia apud eum deposita.' *Cartulaire*, p. 181; Fournier, II. No. 882.

[2] See below, p.

[3] *Cartulaire*, I. pp. 209, 213; Fournier, II. Nos. 902, 904.

in 1309, a Bull of Clement V required the assent of a two-thirds majority of the Masters of the Faculty for the conferment of the Licence, and by another Bull of the same date the concurrence of a two-thirds majority was likewise made necessary for the election of the Chancellor[1].

The Proctors.

Nor does the parallelism with Oxford end with the Chancellorship. As at Oxford, the Masters are more directly represented by two Proctors, the office circulating among them. The functions of these Proctors were primarily financial[2], as originally were those of the Proctors of Paris and Oxford: but the existence of a Dean in the Medical Faculty at Montpellier, who was always the senior Doctor and ranked next to the Chancellor, restricted the functions of the Proctors to this their original department[3].

The Dean.

The Student-Proctor and Consiliarii.

There was also a third Proctor appointed by the students, and after 1533 two *Consiliarii*, one of whom was a Bachelor, the other a student[4].

Restricted powers of the Student-Congregation.

The earlier Statutes appear to be made by the Masters and to contemplate no limit to their authority: but by 1340 the democratic spirit seems to have so far spread from the legal to the medical University that any alteration of the Statutes which affected the students now requires their consent as well as that of the Masters[5]. The rights

[1] *Cartulaire*, I. p. 222; Fournier, II. Nos. 911, 912. At times, however, we find the Pope 'reserving' the Chancellorship to himself. *Cartulaire*, I. pp. 250, 254; Fournier, II. Nos. 925, 926. Each Master could license his own Bachelor and present him to the Rector. *Cartulaire*, I. p. 187; Fournier, II. No. 885.

[2] *Cartulaire*, I. pp. 341, 343; Fournier, II. No. 947 *quater*. The Senior Master is entrusted with certain functions by the Legate in 1220, though the name Decanus does not appear.

[3] Another parallel with Oxford is the use of the Oxford term 'cetus magistrorum' which I have rarely noticed except at Montpellier and Oxford. *Cartulaire*, I. p. 229; Fournier, II. No. 914.

[4] Germain, *École de Méd.* p. 26; *Cartulaire*, I. p. 68. The student Proctorship was suppressed in 1550, but the Consiliarii still retained the right of petition and remonstrance against the irregularities of the Doctors. The Consiliarii, who at this time were actually appointed by the Doctors from among the students, were abolished in consequence of a revolutionary movement among the students in 1753. From other evidence, however, it would appear that they were selected by lot from among the Bachelors.

[5] *Cartulaire*, I. p. 367: Fournier, II. No. 947 *quater*. At the same time

CH. VIII, § 1. of the students do not, however, appear to have been in practice very extensive. It was only twice a year that the Chancellor summoned an assembly of the entire University of Masters and scholars[1] in the Church of S. Firmin, when the students conferred with the Doctors as to the arrangement of a lecture-list for the ensuing Session, and an opportunity was afforded for the general ventilation of student-grievances. We find the students at these assemblies petitioning that lectures should be given on such and such a book[2]. The student Proctor was moreover at any time at liberty to remonstrate with a Doctor negligent in the performance of his duty, or otherwise infringing upon the rights of the students[3]. But, if their demands were neglected, the University of Students had no power to fine or suspend a Doctor after the summary fashion in vogue at Bologna: they could only carry their complaint to the College of Doctors or to the superior ecclesiastical authorities. This Montpellier system of consultation and co-operation between teachers and students in the arrangement of lectures constitutes one of the few pieces of medieval student-autonomy which might possibly be imitated with advantage by the modern University reformer.

The period of study required for the Bachelorship in Medicine was fixed in 1340 at twenty-four months of actual

all previous Statutes are quashed, even though 'de voluntate Magistrorum et Scolarium, *conjunctim vel separatim*,' which points to previous collisions between the rival powers.

[1] The earliest record of such a meeting is in 1332 'de quadam campana facienda, emenda et ponenda.' *Cartulaire*, I. p. 287; Fournier, II. No. 940. It was perhaps for purposes of extraordinary taxation such as this that the consent of the students was considered necessary.

[2] Germain, *École de Méd.* p. 80 *sq.*

[3] An illustration may be taken from the extant *Liber procuratoris studiosorum*: 'Anno Domini XV^{c}XXVIII°, et die IX^{a} novembris, conquerentibus studentibus medicine doctores ob malitiam non legere, ego viceprocurator cum consiliariis ad eos accessi simul cum notario et testibus, quos rogavi ut legerent, ut tenentur, alioquin, prout penes me habetur, apud superiorem querimoniam facerem; qui responderunt ut continetur in archivis notarii.' Germain, *École de Méd.* p. 31. So in 1579 the 'Consiliarii, studiosorum nomine, conquesti sunt apud R. D. doctores, quod R. D. Saporta illos omnes vocasset asinos.' *Ib.* p. 38.

attendance at Lectures[1]. Ordinary Lectures ceased at Easter; it was customary for Bachelors and the senior students to spend the whole of the summer in practice, often at a distance from Montpellier[2]. Indeed, before taking the degree of Bachelor in Medicine a student had to go a round of visits to the sick accompanied by his own Doctor, under whose supervision he apparently experimented upon the patients[3]. The Doctor's degree was obtainable in five years by Masters of Arts, in six years by other candidates[4].

Ch. VIII, § 1. Requirements for Degrees.

In 1309 Pope Clement V, by the advice of his Montpellier Physicians, Arnauld of Villeneuve and others, prescribed the following as the books which candidates for the Licence must possess—Galen, *De complexionibus*, *De malicia complexionis diverse*, *De simplici medicina*, *De morbo et accidente*, *De crisi et criticis diebus*, *De ingenio sanitatis*, together with either the books of Avicenna or those of Razes, Constantinus Africanus, and Isaac, with commentaries thereon. He must further have 'read' as a Bachelor three books, one with and one without comments, selected from the following list—the *Tegne* of Galen, the Prognostics of Aratus, the Aphorisms of Hippocrates, the *De regimine acutorum* of Johannicius, the *liber febrium* of Isaac, the *Antidotarium* (? of Nicolaus), the *De morbo et accidente* of Galen, and the *De ingenio sanitatis* of the same writer[5].

Regulations of Clement V, 1309.

It may be well to add the list of books appointed as subjects for lectures in 1340, arranged in courses, each of which was to be taken by one Doctor:—

Books.

(1) Primus Canonis [Avicennae].

(2) Liber de Morbo et Accidente [Galeni] et [de] Differentiis Febrium [Galeni].

[1] *Cartulaire*, I. p. 351; Fournier, II. No. 947 *quater*.

[2] *Cartulaire*, I. pp. 70, 617: Fournier II. No. 1025.

[3] See the Statute limiting the number of students who might accompany the candidate to six. *Cartulaire*, I. p. 716; Fournier, II. No. 1057.

[4] According to the earlier Statute of 1309. *Cartulaire*, I. p. 220; Fournier, II. No. 910. A College Statute allows nine years for the whole course. *Cartulaire*, I. p. 618; Fournier, II. No. 1025.

[5] *Cartulaire*, I. p. 220; Fournier, II. No. 910.

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(3) Liber de Crisi et criticis diebus et de Malicia Complexionis diverse [Galeni].
(4) Liber de Simplicibus Medicinis et de Complexionibus [Galeni].
(5) Liber de Juvamentis Membrorum et de Interioribus [Galeni].
(6) Liber Amphorismi [Hippocratis] cum Regimine Acutorum [Hippocratis] vel de Prognosticis [Arati].
(7) Liber de Ingenio [Sanitatis] et ad Clauconem [Galeni].
(8) Quartus Canonis [Avicennæ], 'quoad duas primas seu cum Johannicio de Pulsibus et Urinis Theophili.'
(9) Tegni [Galeni] cum Prognosticis [Arati] et Regimine Acutorum.
(10) Liber de Regimine Sanitatis [Doctorum Salernitanorum] et de Virtutibus naturalibus [Bartholomei Anglici].

Upon these books there were always to be lectures; if the number of Doctors sufficed, there might be lectures on other parts of the Canon, other books of Galen or the *De febribus* and *De dietis universalibus* of the Jew Isaac [1].

II. *The University of Law.*

The Law School of Placentinus.

The Law School of Montpellier traces its origin to Placentinus, one of the most distinguished of the Jurists of the second generation from Irnerius [2]. After teaching at Bologna and at Mantua, he was driven about the year

[1] *Cartulaire*, I. pp. 347, 348. Fournier's transcript (No. 947) is defective. For a more exact identification of these books, see below, App. XXXI.

[2] He was a pupil of Martinus (Sarti, 1888, T. I. pt. i. p. 77). Placentinus himself tells us how at Montpellier it occurred to him 'tyronibus legum introductiones ad libros juris majores componere, Institutionum summas conficere.' See the passage quoted by M. Castelnau in *Mém. de la Soc. archéol. de M.* T. I. p. 481 (Savigny has mistakenly altered the text and sense). Roffredus of Beneventum tells us that 'dominus Henricus de Baylâ' (whom he declares to be the author of some of the glosses ascribed to 'Yr.') 'qui erat contraria opinione, de nocte assilivit dominum P., et sic timore illius recessit de Bononia et ivit ad Montem-Pessulanum.' He afterwards taught at other places but died at Montpellier. A Provençal chronicler gives 1182 as the date of his death, adding, 'loqual fu lo premier doctor que jamays legi en Montpellier.' An

1160 to seek an asylum at Montpellier by the jealousy of less distinguished colleagues. The memory of Placentinus was ever kept alive at Montpellier. The University of Law in after days chose S. Eulalia, the Saint commemorated on the day of his death, for its Patroness: the mace of the Bedel was tipped with his image, and down to the days of the Revolution the Hall of the Faculty bore the inscription *Aula Placentinea*[1]. But it is impossible to trace a complete continuity between the School founded by Placentinus and the later University. Bassianus[2] is the only important Jurist who is known to have taught here between the time of Placentinus and the third decade of the thirteenth century. It was, it would seem, about the year 1230 that Doctors and Students of Law began to multiply at Montpellier—partly, perhaps, on account of the difficulties with the City at Bologna[3]. The Bishop immediately claimed the same control over the conferment of Licences in Canon and Civil Law which he had always enjoyed in Medicine: he procured a Royal brief enforcing his claims, and authorizing him to demand of graduates an oath of obedience to his See[4]. In 1268, however, King James of Aragon put in a claim to bestow a Licence without the consent of the Bishop, and actually granted such a Licence to one Guillaume Séguier. The Bishop excom-

Rise of University *c.* 1230.

epitaph, of which the original is lost, gives 1192. *Ib.* pp. 481–2. M. Fournier declines to believe 'que Placentin vint à Montpellier sans être assuré de trouver un élève' (*Hist.* III. p. 350). Would it not be possible at this rate to prove that no School ever had a beginning? The already existing School of Medicine would be much more likely to suggest Montpellier than its fame as a 'centre . . . d'études juridiques qui se rattachaient à l'étude du Talmud.'

[1] Germain, I. p. lxxiii.

[2] Not, as Germain (III. p. 9), Azo. The true reading of the gloss on which Germain depended is 'Baz,' not 'Az.' See Denifle's note (I. p. 344).

[3] In 1268 Clement IV says to the King of Aragon: 'Constat enim Magalonensem episcopum a longissimis retro temporibus dedisse licentiam in aliis Facultatibus . . . et si non consuevit in ista [*sc.* Juris Civilis], quia nec etiam petebatur, nec petendi erat occasio, ubi nec studentium vel discentium numerus exigebat.' *Cartulaire*, I. p. 201; Fournier, II. No. 894. But licences were certainly granted in 1230, though it is clear that graduations had been very exceptional.

[4] *Cartulaire*, I. p. 184; Fournier, II. No. 883.

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municated Séguier; and there was an appeal to Rome. It is certain that at this time there was a fully organized College of Doctors in Law and a body of Statutes made by the Bishop and Doctors. Clement IV ingeniously put a stop to the quarrel without sanctioning the Royal pretensions by making the intruder a Doctor at Rome [1]. In 1285 a Legatine decree established the rights of the Bishop [2], and in 1289 Nicolas IV formally ordained the creation of a Studium Generale at Montpellier and conferred upon its Doctors the *jus ubique docendi* [3]. Although this Bull is expressed in the ordinary terms of a Bull of foundation, there can be no doubt that the Studium had long been treated as 'general' both by custom and by express Apostolic recognition [4]. It is true, however, that Montpellier had only recently become important as a School of Law: and the recognition of its degrees may have been less decisive and universal in this Faculty than it was in Medicine [5]; though it must be remembered after all that it was a dispute between the legal University and the Bishop which led to the issue of the Bull.

Constitution of the Jurist University.

We have no precise information as to the organization of the Law University before the year 1339. It is pretty

[1] *Cartulaire*, I. pp. 199-202; Fournier, II. Nos. 894, 895. Séguier had been unable to graduate at Bologna 'propter dissensionem inter . . . archidiaconum Bononie . . . et scolares inibi studentes.' He afterwards committed a murder, but the Consuls acquitted him 'quod est sexagenarius et fame probate.' Fournier, II. No. 1215.

[2] *Cartulaire*, I. p. 208; Fournier, II. No. 900. It is provided that those licensed 'officium magisterii libere valeant ubilibet infra legationis nostre terminos exercere.'

[3] *Cartulaire*, I. p. 210; Fournier, II. No. 903.

[4] Denifle (I. pp. 352-3) says that possibly it had not the *jus ubique docendi* in Law till 1289, and that there were no promotions in Law till that date, though he admits that it was considered 'general' in both Faculties before that.

[5] This is more than we can lay down with absolute certainty. In 1256 the Pope had spoken of the 'studium, quod ibi *sollempniter* regitur' (*Cartulaire*, I. p. 194; Fournier, II. No. 889), and the Bull of 1289 expressly erects a Studium Generale in Medicine and Arts as well as in Law; hence its terms can no more be used to show that it was not a Studium Generale in Law than in Medicine. If the argument is good for anything, it will prove that there was no Studium Generale before this, even in Medicine.

evident that the Bishop at first attempted to govern the Studium on much the same lines as those upon which the University of Medicine had always been ruled. In 1292, for instance, he refused to seal some projected Statutes presented to him by the Doctors on the ground that he was shortly coming to Montpellier and would then confer with them about the matter[1]. But the students, many of whom from time to time would, no doubt, have studied at Bologna, in time began to raise the cry of student-right against both Bishop and Masters. In 1320 there is a significant proclamation of the Bishop against 'secret conventicles and congregations,' 'confederations and colligations' of the students, and against hostile risings of the 'scholars of one province against the scholars of another[2].' It seems as if the scholars were in the act of forming themselves into Nations or Student-universities independently of the Bishop or the Doctors. It is to be observed that only a year before the Pope had quashed a Statute recently made by the Rector and University[3], and this is the first allusion to the Rectorate. At last by the year 1339 the triangular quarrel between the Bishop, the College of Doctors[4], and the Rector and University of students had led, as such quarrels were wont to lead, to cessations, excommunications, and appeals to Rome. The mutual rights of the parties were now adjusted by Statutes framed on the model of those of Bologna, by the Cardinal Legate Bertrand di Diaux. The constitution which results from these Statutes (the earliest which we possess for the Jurist University[5]) is a Student-

[1] *Cartulaire*, I. p. 216; Fournier, II. No. 905.

[2] *Cartulaire*, I. p. 247; Fournier, II. No. 923.

[3] *Cartulaire*, I. p. 239; Fournier, II. No. 922. The statute required candidates for the Licence to pay a certain sum to each Doctor unless he performed his 'solemne principium' within a certain time. It was no doubt objected to by the Bishop; but it was clearly in the interest of the Doctors.

[4] For another subject of contention, see *Cartulaire*, I. p. 236; Fournier, II. No. 918.

[5] *Cartulaire*, I. p. 296 *sq.*; Fournier, II. No. 947. Fournier (*Hist.* III. p. 417) discusses elaborately, but not very satisfactorily, the relation between the *Collegium Doctorum utriusque juris* (headed by their Prior) and the

CH. VIII, § 1.

University of a very modified type—modified by the inclusion of the Doctors in the Guild and by a tolerably jealous assertion of the episcopal supremacy over the Studium. In its main outlines these Statutes no doubt represent the *de facto* constitution of the Studium before their enactment.

Legatine Statutes of 1339.

The Rector is to be elected from among the Doctors by the outgoing Rector and Councillors: he is to be confirmed by the Bishop, who is required to grant the confirmation as a matter of course; but the Rector is to swear obedience to the Bishop, and his power of decreeing a cessation without the consent of the Bishop is limited to a period of eight days. The Doctors are only enjoined to swear before the Rector to give their lectures according to the Statutes, but do not take a general oath of obedience to the Rector and University as at Bologna. There are to be twelve *Consiliarii*, one elected from the Chapter of Maguelone, one from the town—that is, presumably the students who were natives of the town—the rest 'according to Nations and provinces of Nations, as hitherto observed.' These Nations were (as has been mentioned) Provence, Burgundy, and Catalonia: the Rector being elected from each Nation in turn[1]. The Councillors were in practice usually Licentiates or Bachelors. In this University, as in many others of the same type, it is curiously difficult to determine with what authority the power of Statute-making ultimately rested. It is clear enough that the ordinary governing body of the University was the Rector and his

Facultates of Canon and Civil Law. It is clear that there was a close and limited College of Regent Doctors (to whom were no doubt reserved the rights of a 'Faculty of Promotion'): but they did not enjoy the same monopoly of ordinary Lectures as at Angers and Orleans. The exact extent of their privileges must be left doubtful. I see no reason for calling into existence (with Fournier, *Hist.* III. p. 418) a Prior of each Faculty (Canon and Civil Law) in addition to the Prior of the joint College. In 1341 the Bishop attempted to give the *insignia* to a Doctor as well as to license him (*Cartulaire*, I. pp. 399-400; Fournier, II. No. 958). The sequel is not known: but the later practice certainly was for this to be done by a Doctor.

[1] *Cartulaire*, I. p. 319: Fournier, II. No. 947.

Councillors, and the Statutes were promulgated by the Rector with the consent of the Council. But sometimes the 'advice' of the Doctors is also mentioned, and sometimes also that of many nobles and other 'notable persons.' Occasionally these persons formally claim to be the 'major and saner' part of the whole University; but it is clear that, if the whole body of students was ever summoned and allowed to exercise any real voice in legislation, this was an exceptional rather than an ordinary method of procedure. It must be remembered that even in the University of Bologna itself Statute-making was an affair of very rare occurrence, and even the Statutes were made only by the nominees of the students, not by the students themselves. Finally, it must be observed that at Montpellier, even after the students had obtained the Constitution of 1339, important Statutes still seem to require the consent of the Bishop[1].

Jurisdiction.

The Statutes contain nothing about the jurisdiction in cases of scholars, which remained with the Bishop[2]. Throughout the history of Montpellier the relations between citizens and students were somewhat exceptionally strained; but we must forbear to enter into the details of such quarrels. The great subject of contention was the right claimed by the students to import wine into the town in spite of the protective system which excluded all wine except that grown on the land of citizens[3].

[1] Fournier, II. Nos. 1081, 1111 *sq.* The appointment of a Master of the Ceremonies (*Preceptor ceremoniarum*) in 1491, to marshal processions, &c., is a feature which I have not noticed elsewhere. Fournier, II. No. 1195.

[2] *Cartulaire*, I. p. 403. Afterwards in 1351 the Royal *Judex Parvi Sigilli* was made Guardian or Conservator of Privileges, with a certain jurisdiction including the taxation of houses which had for many years been taken away from the ordinary Taxors (*ib.* pp. 424, 430, 482; Fournier, II. Nos. 976, 980). A special body of 'Guardians' for the Medical University were appointed in 1395 (*Cartulaire*, I. p. 670). There is no mention of Conservators Apostolic till the time of Martin V (1421). Fournier, II. No. 1089.

[3] *Cartulaire*, I. p. 332; Fournier, II. No. 947, &c.

III. *The University of Theology.*

CH. VIII, § 1.

The regular Orders made a practice of establishing their Studium Generale or chief School of Theology for the province in the towns where there was a secular University, even where there was no secular Faculty of Theology. A College was founded for the Carthusian monks of Valmagne by James I in 1263[1]. And round this nucleus it would seem that something like a Studium of Theology grew up[2], though it is certain that there was no graduation in Theology or *jus ubique docendi*[3] till the Bull of Martin V in 1421, which created a Studium Generale in Theology with the Bishop as Chancellor. Its students remained members of the legal University; its Masters formed a College with a Dean of their own[4]. It is just worth noticing that Regulars were not at Montpellier, as in most Universities, excluded from the Rectorate. In the declining days of the School the monastic Colleges formed too large an element in the University to be ignored. There were not too many students at Montpellier as well off as a Benedictine Prior[5].

IV. *The University of Arts.*

Arts held the subordinate position which they had everywhere in the Law Studia, but there was a regular University of 'Doctors and students in Arts' at least as early as 1242,

[1] *Cartulaire*, I. p. 197 *sq.*; Fournier, II. Nos. 892, 893.

[2] King John of France in 1351 granted to the Bedels of the 'Societas' of Theological Masters the right of carrying silver staves like the Bedels of the other Faculties. *Cartulaire*, I. p. 428.

[3] The Bull of 1289 does not mention Theology; yet a Bull of 1364 for the College of S. Ruf speaks of Montpellier as a 'studium generale' in Theology as well as Canon Law, and the students were certainly to graduate in Theology (*Cartulaire*, I. p. 464 *sq.*; Fournier, II. No. 992). But the Bull may mean a 'studium generale' of the Order, and monastic students educated elsewhere often graduated at Paris. Or the College may have been founded in anticipation of a Studium Generale in Theology, for which the City petitioned, *circa* 1365, *Cartulaire*, I. p. 474; Fournier, II. No. 994. Cf. Denifle, I. 348; Germain, III. 63.

[4] Fournier, Nos. 1092, 1112. At the same time the Pope conferred the 'Jus non trahi extra' (*ib.* No. 1095) and many other privileges.

[5] Fournier, II. No. 1081.

the date of an extant Code of Statutes[1]. These Statutes, like all very early Statutes, are extremely short and simple: but they are sufficient to exhibit one or two very striking constitutional peculiarities. The Statutes are not made by the Masters, but imposed upon them by the authority of the Bishop. There is no trace of a Student-university, except that after the Dean, who is the Head of the Faculty, there is mentioned a 'Rector of the said University.' This Rector is a Master, and it is improbable that he was elected by the students. After the French annexation, the School of Arts was placed under the more direct control of the Consuls, and the single Regent of Logic and Grammar received a Municipal salary. The Faculty, though it continued to give degrees, became really—as in many other French provincial Universities—little more than a Grammar-school[2]. CH. VIII, § 1.

The Colleges at Montpellier were, (1) the College of Valmagne, already mentioned (1263); (2) the College of Brescia or Pézenas, founded in 1360 by Bernard Trigard, Bishop of Brescia[3]; (3) the College of S. Ruf, founded in 1364 by Cardinal Angelico Grimouard, brother of Urban V, for eighteen Canons Regular of the Monastery of S. Ruf at Valence[4]; (4) a Benedictine House, partly Monastery, partly College, and known as the College of S. Benedict, founded in 1368 by the Benedictine Pope Urban V (who had been a Montpellier student), and dependent upon the Abbey of S. Victor at Marseilles[5]; (5) the College of Mende or des Douze-Médecins, also founded by Urban V in 1369 out of Church property, for the benefit of his native diocese of Mende—perhaps the first purely medical College in Europe[6]; (6) the College founded by Michael Boel, Colleges

[1] *Cartulaire*, I. p. 190.

[2] Faucillon in *Revue Archéol. de M.* T. IV. p. 248; Fournier, II. No. 1197.

[3] Fournier, II. No. 1067.

[4] *Cartulaire*, I. pp. 464, 495; Fournier, II. Nos. 992, 1006, 1218.

[5] *Cartulaire*, I. p. 492; Fournier, II. No. 1004.

[6] *Cartulaire*, I. p. 551; Fournier, II. No. 1010. The Statutes (*Cartulaire*, I. p. 609 *sq.*; Fournier, II. No. 1025) are the only College Statutes I have noticed which prescribe minimum hours of study, *i.e.* lectures for three 'horas magistrales,' one or more 'horas licentiatorum seu bacal-

CH. VIII, § 1. Physician, for Medicine, in 1421 [1]; (7) the College of Gironne or Aragon or du Vergier, partly legal and partly medical, founded in 1460–68 by Jehan Brugère, Master of Medicine, and Jehann du Vergier, President of the Parlement of Languedoc [2]. Besides there were of course, as in most University towns, the Convent-colleges of the four great Mendicant Orders.

Medical fame.

We have seen that in the twelfth century Montpellier was already one of the great Studia of Europe—all but on a level with Paris, Bologna, and Salerno. This position it retained till about the middle of the fourteenth century. The growing influence of the Arabic medicine, with its astrological and alchemistic absurdities, may represent a real retrogression in Medical Science [3]: but it in no way diminished the fame of Montpellier. Rather its fame was enhanced by the decline of the 'Civitas Hippocratica.' No medieval Physicians stood higher than Arnauld of Villeneuve, Bernard de Gordon [4], and the other Montpellier Doctors of this period; and, on the other hand, it was just at the moment when the Arabic influence became predominant that a new era in the history of Surgery was introduced by the Montpellier Physician Gui de Chauliac [5]: here the men of the later Middle Age unquestion-

lariorum,' and three hours' private study before supper. The Rector was the senior student and held office for three years.

[1] Fournier, II. No. 1088. The document is simply a bequest. Nothing seems to be known as to its actual execution.

[2] Fournier, II. Nos. 1167, 1169, 1170. The College of Gironne has sometimes been mistakenly made a distinct College from the College du Vergier. The Statutes are remarkable as giving the Patron absolute authority over the College and its administration.

[3] Prunelle, p. 20 *sq.* Raymundus Lullius was a pupil of Arnauld of Villeneuve, whose medicine was highly alchemistic (*ib.* p. 38). Sometimes the Montpellier Physician descended lower than alchemy. Gerson has occasion to denounce a Montpellier Physician who recommended a talisman for kidney-disease. Astruc, pp. 91, 212.

[4] Known as the author of the *Lilium Medicinæ*, printed at Frankfurt in 1617, Venice 1496, and elsewhere.

[5] Author of a treatise on Anatomy styled *Inventorium seu Collectorium in parte Chirurgicali scientiæ Medicinæ*, published in 1367. Aigrefeuille (1737) II. p. 346. Cf. Prunelle, p. 43 *sq.* This same Physician, so really eminent in

ably advanced beyond the Arabs and the Jews, with whom the superstitious horror of mutilating a corpse forbade much progress in Anatomy or Surgery. The same superstition had been shared by the Christian Church[1]; but the Statutes of 1340 provide for at least one 'anatomy' in two years[2]. The results even of the scanty opportunities for anatomical study thus afforded were by no means contemptible. It is said that operations were successfully performed in medieval Montpellier which were unknown to surgical practice at the beginning of the present century, and cures effected of diseases then regarded as incurable[3]. It should be added, as an illustration of the influence of the works of the ancient physicians upon medical progress, that most of the operations or remedies adopted by Gui of Chauliac appear to have been known to the ancients and adopted by him from their writings.

Decline of Montpellier.

After the middle of the fourteenth century a rapid decline is discernible in the position of Montpellier. In 1362 the University of Law complains bitterly to its *alumnus* on the Papal throne, Urban V, that whereas it once possessed 1000 students there were now scarcely 100[4]. The Colleges founded by Urban V and other acts of patronage seem to have produced a slight revival. The

Surgery, accounted for the plague of 1348 by a conjunction of Saturn, Jupiter, and Mars (Germain, III. p. 119). The fact that Surgery was practised by Physicians shows the superior position of the art as compared with the position it held at Paris. The Surgeons were not, however, usually Physicians. By an edict of Charles VI in 1399 the practice of Surgery is forbidden without the licence of the Consuls granted after examination by the *Magistri Jurati*. *Cartulaire*, I. p. 682; Fournier, II. No. 1055.

[1] The mutilation of corpses had been forbidden by Boniface VIII. (*Extravag. commun.* lib. III. tit. vi. cap. i.)

[2] *Cartulaire*, I. p. 344; Fournier, II. No. 947 *quater*. In 1376 increased to one a year. (*Cartulaire*, I. p. 569; Fournier, II. No. 1020.)

[3] Prunelle's treatise contains a number of details of great interest. He (p. 43) says of Gui de Chauliac that he 'pratiquoit la plupart des opérations qui sont encore en usage. Celles de la cataracte, de la taille lui étoient familières. Ce fut lui qui releva la méthode de Celse,' &c. Among the diseases, since regarded as incurable, which Gui treated successfully are cancerous tumours, which he is said to have cured by means of arsenic. *Ib.* p. 44.

[4] *Cartulaire*, I. p. 450 *sq.*

CH. VIII. § 1.

roll of petitioners for benefices despatched to Clement VII in 1378 still shows the names of some 380 graduates and students in Law, but the medical roll contains only fifty-six names[1]. Of course the roll only contains the names of ecclesiastics, who in the case of the medical students would hardly be a large majority. About 1390, however, we find the University complaining bitterly of its diminishing numbers[2]. Many causes may be assigned. The French annexation, the consequent estrangement from Spain, the growth of rival Universities at Perpignan and elsewhere, may have had some effect[3]. But it is more important to notice that the system of Salaria was never introduced at Montpellier till the close of our period, which must have made it difficult for the University to compete with better endowed institutions. Nor did the restriction of the ordinary lectures to a small number of specially appointed Professors answer the purposes of an endowment as in some other French Universities. As a School of Law the fame of the University disappears after the fourteenth century. But the importance of its medical School

[1] *Cartulaire*, I. p. 578 *sq.*

[2] About 1390 (*Cartulaire*, I. p. 649; Fournier, II. No. 1060) the Medical students petition the Consuls and Royal Councillors against the Masters, who have nearly ruined the University by their 'exhigua diligentia et effrenata cupiditas obcecantis avaricie,' and the promotion of 'appothacharios et barbitunsores ignaros.' How low the University had sunk in the fifteenth century may be gathered from the ruinous condition of the Collége des Douze-Médecins in 1422, when we find a student describing himself as 'unicus collegiatus honorabilis collegii dominorum [*? leg.* duodecim] medicorum.' Fournier, II. No. 1100; Guiraud, *Le Collége des Douze Médecins*, p. 24. The rebuilding of the College in 1494 (Guiraud, p. 27) is a sign of life in the University.

[3] I see no reason whatever for ascribing the decline of the University with Fournier (*Hist.* III. p. 389) to 'le pouvoir trop absolu de l'autorité ecclésiastique.' For (1) this power was not greater, but on the whole less, in the second half of our period than in the first, and (2) this power was not greater at Montpellier than in some Universities, *e.g.* Angers and Orleans, which continued flourishing. Equally little ground is there for attributing it (with Germain) to the hostility of the Consuls. It must be remembered that the fifteenth century was a period of decadence in the Universities generally, though not equally so everywhere. I do not see any evidence that the Pope nominated Professors here (*Hist.* III. p. 486).

was by no means at an end. The Renaissance introduced a period of revived activity; and this revival was powerfully stimulated, under the influence of their Montpellier Physicians, by Charles VIII and Louis XII. The latter in 1498 made an annual grant of 500 *livres* to the Studium, 400 of which were to be devoted to providing salaries of 100 *livres per annum* for four Doctors[1]. Sooner or later the old system of an unlimited number of unendowed Regents everywhere broke down. When it was not supplanted by endowment, University teaching was superseded (as at Paris and Oxford) by the College system.

Continuance of Medical fame of Montpellier.

The influence of the Renaissance was as much felt in the Schools of Medicine as in those of Theology and Arts. In 1537 a new era is marked by the announcement of a course of lectures upon Hippocrates in the original Greek by the illustrious Rabelais[2], and from this time the Greek influence again becomes predominant at Montpellier, though lectures on the Arabic Physicians occasionally make their appearance upon the Lecture-lists up to 1607[3]. In the seventeenth century Montpellier still continued to be a formidable rival to Paris[4], and to attract students from distant countries. Our own Sir Thomas Browne studied at Montpellier as well as at Padua and at Leyden. The

[1] Fournier, *Hist.* III. p. 400; *Statuts*, II. No. 1209. Among other favours granted by Charles VIII was a prohibition to the Master Chirurgeons of Montpellier in 1486 to make new 'Masters in Chirurgery' unless they had been examined and approved by the Chancellor or Dean and one Doctor named by the Faculty (Fournier, II. No. 1186).

[2] 'D. Franciscus Rabelæsus pro suo ordinario elegit librum prognosticorum Hippocratis quem Græce interpretatus est.' *Liber Lectionum*, ap. Germain, *La Méd. Arabe*, p. 15.

[3] Germain, *École de Méd.* pp. 93, 94. The Arabic authors were, however, struck out of the 'books required for the Schools' on the petition of the students in 1567. (*Ib.* p. 75.) How faithful the School remained to the Greek tradition may be inferred from the fact that in 1673 a Doctor was required on pain of suspension to cease teaching a doctrine contrary to that of Hippocrates, Aristotle, and Galen. The Medical teaching continued to consist chiefly in lectures upon the Greek texts till the eighteenth century, when they take a subordinate place. (*Ib.* p. 100.)

[4] Especially during the short period at the beginning of the seventeenth century, when Montpellier was Protestant. At this time the Law-School revived under Pacius and other eminent teachers. Casaubon was here from 1596 to 1599.

CH. VIII, § 2.

constitution of the University, with all its ecclesiasticism and medievalism, survived with few changes till the Revolution: and even at the present day a tradition of the extinct University seems to place the 'Faculty of Montpellier' at the head of the French provincial Schools of Medicine.

§ 2. ORLEANS.

LE MAIRE, *Histoire et Antiquitez de la Ville et Duché d'Orléans* (Orléans, 1648), p. 332 *sq.*, traces the University back to the Druids, but prints a few documents. GOYON, *Hist. de l'Église d'Orléans* (Orléans, 1650), contains scattered notices. The principal modern work is BIMBENET, *Histoire de l'Université de lois d'Orléans*, Orléans, 1853; also *Les écoliers de la nation de Picardie et de Champagne à l'Univ. d'Orléans*, in *Mém. de la Soc. arch. de l'Orléanais*, T. XX. (1885); and *Chronique historique extraite des Registres des Écoliers Allemands*, in *Mémoires de la soc. d'agriculture, sciences, &c., d'Orléans*, 1874. LOISELEUR has an article on *Les Privilèges de l'Universite de lois d'Orléans*, in *Mémoires de la Société Archéologique de l'Orléanais*, T. XXII. (1889). A most interesting account of the earlier Schools of Rhetoric and Grammar is given by LÉOPOLD DELISLE in the *Annuaire Bulletin de la Soc. de l'Hist. de France*, T. VII. p. 138 (1869).

See also Mlle A. DE FOULQUES DE VILLARET in *Mémoires de la Soc. archéologique de l'Orléanais*, T. XIV. (1875). A few documents were published by THUROT in *Bibliothèque de l'École des Chartes*, T. XXXII. (1871), p. 379 *sq.* But all collections of documents are now superseded by Fournier's collection. FOURNIER has also a monograph on *La Nation allemande à l'Université d'Orléans*, in *Nouv. Rev. Hist. de droit*, 1888.

The ancient Law-school of Orleans.

We have already seen that in the earlier Middle Ages some instruction in Law everywhere entered into the ordinary curriculum of the Schools as a branch of the 'Liberal Arts.' In the ninth century this was the case as much in France as in Italy. But both in Italy and in France there were one or two Schools at which the teaching of Law gradually attained an exceptional prominence, and the teachers of Law eventually became a distinct body under the title of Masters of Law. The position which was held in Italy by the Schools of Ravenna, Pavia, and afterwards of Bologna, was occupied in France by the Schools of Lyons and Orleans. With Lyons, since in the Middle Ages it never rose to full University rank, we are not concerned. Of the legal fame of Orleans we have an interesting illustration in the account of a suit between the great monasteries of Fleury and S. Denys which took

place about the year 830[1]. The case was heard by the Bishop of Orleans and the Count Donatus of Melun as Royal Judges: but, since the dispute related to Church property, the proceedings had to be governed by Roman Law, with which the Royal Judges were unfamiliar. They therefore adjourned the case to Orleans, where they could have the assistance of 'Masters' or 'Doctors of the Laws[2].' CH. VIII, § 2.

Respecting this ancient Law-school, we have little more direct evidence till the thirteenth century; though, according to Fitting, its existence and importance at the end of the eleventh and the beginning of the twelfth centuries are attested by the production of the compilation known as the Brachylogus, which he believes to have been composed in that place. The same writer also gives reasons for believing that in the earliest period the law-teaching of Orleans was based on the West-Gothic Breviarium, and that it was not till a later period that the older law texts were introduced into the School[3]. The Brachylogus.

In the twelfth century, however, we hear most of the fame of Orleans as a School of Grammar, Rhetoric, and Classical literature, subjects we must remember at that time more closely connected with legal studies than was the case in the later Universities[4]. At the School of The Classical School of the twelfth century.

[1] A still earlier instance is cited by Fitting from Mabillon, *A. SS. Ord. S Bened.* (Ven. 1733) sæc. I. p. 144, where S. Lifardus, a native of Orleans, is described as 'in causarum temporalium legibus discretor præcipuus.'

[2] 'Visum est missis dominicis placitum Aurelianis mutare. Venientes itaque ad condictum locum legum magistri et iudices utraque ex parte acerrime decertabant. Enimvero namque aderant legum doctores tam ex Aurelianensi quam ex Vastinensi provincia.' Pertz, *SS.* XV. p. 490.

[3] *Die Rechtsschule zu Bol.* pp. 46–48, 67, cf. above, vol. I. p. 105; *Über die Heimat und das Alter des sogenannten Brachylogus*, p. 36.

[4] This seems to me to be forgotten by Denifle when he denies all connexion between the Law-university of the thirteenth century and the ancient Classical Schools. I am glad to find my view supported by Fournier, *Hist.* III. p. 5 *sq.* It may just be worth mentioning as suggesting the continuity of the Law School that a 'Magister scholarum Aurelianensium' is one of the Papal delegates for the decision of a dispute between the Bishop of Paris and the Abbot of Ste Geneviève in 1201. Migne, T. 214. c. 1188.

CH. VIII, § 2.

Orleans were educated the Classical commentators[1], the professional letter-writers[2], and the versifiers of the twelfth century. Orleans seems to have escaped almost wholly the dialectical frenzy of the age: here, and here almost alone after the decline of Chartres, there lingered down to at least the middle of the thirteenth century the classical traditions of the age of Bernard and John of Salisbury. A versifier of the time of Innocent III still places Orleans, as the School of Letters, on a level with Salerno the School of Medicine, Bologna the School of Law, and Paris the School of Logic[3]: while in the *Battle of the Seven Arts*, a French poem of the same period, Grammar is personified as the lady of Orleans, as Logic is the lady of Paris[4]. This School of Grammar, however, appears to have dwindled into insignificance before 1300 A. D., though even in the second half of the thirteenth century the clerks of Orleans

[1] Several commentaries on Lucan's *Pharsalia* and on the amatory works of Ovid emanated from the School of Orleans. Delisle, p. 144.

[2] All the Secretaries of Popes Alexander III and Lucius III were educated here. *l. c.* p. 153. 'Dictamen' is spoken of almost as the name of a distinct Faculty at Orleans. A Master of the School is styled 'Magister in Dictamine.' *l. c.* p. 156. Cf. above, vol. I. p. 110 *sq.*

[3] 'In morbis sanat medici virtute Salernum
Ægros. In causis Bononia legibus armat
Nudos. Parisius dispensat in artibus illos
Panes unde cibat robustos. Aurelianis
Educat in armis autorum lacte tenellos.'—*l. c.* pp. 143-4.

[4] The poem is printed by Jubinal in his edition of Rutebeuf (Paris, III. 1875, p. 325 *sq.*). Three lines of the poem are worth quoting on account of the light they throw upon the rare word with which they conclude:

'Car Logique, qui toz jors tence,
Claime les auctors auctoriaus
Et les clercs d'Orliens *glomeriaus*.'

Cf. below, chap. xii. § 8. Most of the Latin poets are mentioned in this composition, but few of the prose writers (Seneca is an exception), which shows that the classical culture of Orleans was far behind the level attained by Chartres in the preceding century. Even the most unintelligent study of the Latin Aristotle was better than that of the silver-age poets who absorbed the energies of the scholars of Orleans. Cf. also a passage, cited by M. Gatien-Arnoult in the *Mémoires de l'Acad. des Sciences de Toulouse*, 1857, p. 208, from the discourse of Helinandus at the opening of the University of Toulouse: 'Ecce quærunt clerici, Parisiis artes liberales, Aurelianis auctores, Bononiæ codices, Salerni pyxides, Toleti dæmones, et nusquam mores.' Cf. also du Méril, *Poésies Pop. du Moyen Âge*, pp. 151, 152.

still retained a repute for scholarship in the somewhat degenerate form of a skill in the art of capping verses[1].

The Law-school of the thirteenth century.

In the thirteenth century Orleans began a new life as a School of the Civil and Canon Law. Though there is no reason (with Denifle) to negative all continuity between the thirteenth century School of Law and the twelfth century Schools of Grammar and *Dictamen*, or to deny that Law may have continued to be studied at Orleans throughout the earlier period[2], it is probable that the revival of the School was due to external influences, and was connected with the prohibition of the Civil Law at Paris by the Bull of Honorius III in 1219[3]. It is not, however, till 1235 that we have direct evidence of a distinct Law-school at Orleans; though we know that it was one of the places in which the Masters and scholars of Paris took refuge during the dispersion of 1229[4]. In 1235 Gregory IX[5], in reply to an enquiry from the Bishop, rules that the prohibition of his predecessor was confined to Paris; at Orleans the Bishop might freely allow its study except to certain beneficed ecclesiastics[6], to whom it was forbidden by another Bull of Honorius III. That no question was raised at an earlier period is explained by the fact that a new Bishop had just mounted the episcopal throne who felt a scruple as to the legitimacy of the encouragement which his predecessor had probably given to the exiled Civilians of Paris. The prohibition of the Civil Law was highly injurious to a scientific study even of

[1] Delisle, *l. c.* p. 147.

[2] Fitting (*Die Rechtsschule zu Bol.* p. 47) insists much upon the assertion of Clement V in 1309, that the Studium of Law 'laudabiliter viguerit ab antiquo.' So Denifle, I. p. 258: but he hardly allows for the shortness of the medieval memory or the exuberant rhetoric of medieval scribes.

[3] So Denifle, I. p. 259. Le Maire (p. 374) makes Bouchard d'Avesne study and profess Civil Law at Orleans *circa* 1180 A. D., but cites no authorities.

[4] See above, vol. I. p. 337.

[5] Doc. in Denifle, *Chartul. Univ. Paris.*, I. pt. i. No. 106: Fournier, I. No. 2. At the same time the Pope granted a Faculty to the Bishop to absolve for assaults on clerks. Fournier, I. No. 3.

[6] It was not forbidden to all ecclesiastics, as Fournier, *Hist.* III. p. 6. See Appendix XI.

CH. VIII, § 2.

the Canon Law in the French capital: and as a School of Law Orleans began almost from its foundation to surpass the fame of Paris [1]. From this time at least it may be considered a Studium Generale *ex consuetudine*; and it remained throughout the Middle Ages the greatest Law University of France. Thomas Aquinas, indeed, places it on a level with the three great Studia Generalia—Paris, Bologna, Salerno [2]. It is a curious fact that some of the Orleans Professors are said to have been in the habit of partially employing the vulgar tongue in their Lectures [3].

The Scholasticus.

I hope hereafter to show that the origin of the University of Oxford must be sought in a scholastic migration similar to that which probably originated the importance of Orleans. I shall then have occasion to point out how decisive were the effects upon the constitutional development of that University of the circumstance that Oxford was not the See of a Bishop. Had it been so, the Head of the Chapter Schools would certainly have claimed a jurisdiction over the newly established Schools of the Parisian settlers: the development of an independent University would probably have been delayed, and its constitution would certainly have been profoundly modified. At all events, this is exactly what happened at Orleans. The Scholasticus of the Cathedral, already accustomed to grant licences to the Masters of Grammar, at once claimed over the Masters of Law all the authority which was asserted, and something more than was permanently retained, by the Chancellor of Paris. The emancipation of the Masters from the capitular yoke was here very slow. The Masters no doubt from the first formed a Universitas of

[1] In 1286 a Bishop of Amiens speaks of 'Aurelianenses peritiores in jure quam Parisienses et magis intelligentes.' Fournier, I. No. 1287.

[2] Bononia in actoribus, Aurelianis in legibus. *De Virt. et Vit.*, cap. ult.

[3] 'Fuerunt (ut dicitur) Aurelianenses lectores, qui partim latinum, partim gallicum in cathedra loquebantur.' Joh. Faber (a Montpellier Jurist of the fourteenth century) ap. Savigny, cap. xlviii. An extract is given by Savigny (cap. lvi) from an Italian Jurist in a language 'half Latin, half Italian,' but he appears to have employed this dialect only in the moral digressions which he introduced into his lectures.

Ch. VIII, § 2.

Growth of a University.

the vague and indeterminate character which had grown up at Paris towards the end of the twelfth century. We have tolerably clear evidence of the existence of such a Universitas at the middle of the thirteenth century [1]. It is not quite certain whether there was any Rector; it is more probable that the Doctors had no Head except the Scholasticus. At all events the right of the University to elect a Rector was matter of dispute as late as 1270–1280 [2]. And when the Doctors attempted to arrogate to themselves the powers of a really independent corporation, and to make Statutes for the government of the Schools, we find their claim disputed by the Bishop. The first written

[1] When the Pastoreaux invaded Orleans (c. 1251), one of them was killed by a student, and a serious riot ensued, since the citizens took the side of the heretics. Matthew Paris concludes: 'Novum quippe et absurdum fuit, ut laicus, immo plebeius, spreta auctoritate pontificali, in publico tam audacter et in tali civitate, ubi viguit scolarium universitas, prædicaret . . . Exturbata est igitur tota universitas, et compertum est circiter viginti quinque clericos, absque læsis et diversimode damnificatis, miserabiliter occubuisse.' *Chron. Maj.* (ed. Luard), V. p. 250. The writer's whole tone implies the importance of the School and the large numbers of the students. The expression 'scolarium universitas' probably points to a formal Guild, though it does not prove it. Another contemporary account speaks of the 'congregationem clericorum que ibi jamdiu resederat.' Fournier, I. No. 8. An earlier brawl (in 1236) testifies to the presence of 'scholares juvenes illustrissimi et genere præclari' (Matt. Paris, *Hist. Maj.* III. p. 371; Fournier, I. No. 4). Other documents are published by Doinel, *Hugues de Bouteiller et le massacre des clercs à Orléans en* 1236 (Orleans, 1887), which show that Denifle's attempted correction of the date to 1241–2 (I. p. 260) is mistaken.

[2] 'Lex ista allegatur cotidie ad hoc, quod universitas potest facere et eligere judicem, licet electus alias nullam habeat jurisdictionem, unde privatus consensus non facit judicem eum, qui non est alias judex. Hoc est verum, nisi sint privilegiati collegiati, unde scolares Parisienses, qui habent Universitatem, possunt sibi eligere rectorem. Sed nos, qui sumus hic Aurelianis, singuli ut singuli non possumus hoc facere. Itaque bonum esset adire, ut impetraretur, nam collegium illicitum est, si non fuerit a superiore approbatum ut ff. Quod cujusc. univ. l. I. Dico colligunt hic, quod qui habet curam collegii vel rectoriam, est judex singulorum de collegio seu de universitate et lex ista hoc dicit. Sed quod universitas eligat eum, certe lex ista hoc non dicit nec lex alia.' This is an extract from the *Lecturæ* of the Orleans Professor, Jacques de Revigny. (Fournier, I. No. 11.) The date is not certain. Note the contrast between this French view of the Law of Corporations and that of Italian Jurists. See above, vol. I. pp. 153 *sq.*, 302 *sq.*

CH. VIII, § 2.

Statute of which we have any record was made between 1288 and 1296, for the purpose of limiting the number of 'ordinary' lecturers. It fixed the staff of the University as follows: two Doctors in Decrees, three in Decretals, and five in Civil Law. The Statute is enacted by the Scholasticus after deliberation with the Doctors and the Chapter, and with the consent of the Bishop[1]. At the beginning of the following century, however, a new Bishop wanted the Doctors to admit a sixth Civilian, and, upon the refusal of the University, threatened to add four or five more to the number at his own pleasure. An appeal to Rome followed; then the Bishop by his own authority allowed the intruded Doctor to lecture, and, to stop the progress of the appeal, forbade the Doctors to hold Congregations without his special leave. The upshot of the affair was that a few years later (1306) a series of Bulls were procured from Clement V (once a student of Orleans), which recognized a University after the manner of the University of Toulouse[2], and conferred upon them some of the rights hitherto monopolized by the Scholasticus—the right of making Statutes for certain definite purposes, the right of electing a Rector, and all the privileges of the University of Toulouse. The prison of the Scholasticus was abolished, and his jurisdiction transferred to the Bishop. Provision was also made for the taxation of houses[3]. Although the Bull seems to confer power only on the Masters, the practice of Toulouse was that the students should enjoy at

Bulls of Clement V, 1306.

[1] 'Prefatus scolasticus ad quem ejusdem studii gubernatio et dispositio ab antiquo approbata et hactenus pacifice observata consuetudine pertinet... habito super hiis tam cum doctoribus tunc in dicto studio legentibus, quam cum capitulo ecclesie diligenti tractatu, de ipsorum consensu et voluntate, interveniente insuper auctoritate tua, qui tunc Aurelianensi ecclesie presidebat . . . duxit . . . statuendum.' Fournier, I. No. 17. (Bull of 1301.)

[2] 'Habeant Universitatem et collegium regendum et gubernandum ad modum Universitatis et collegii generalis studii Tholosani.' Fournier, I. No. 19.

[3] Fournier, I. Nos. 18–22. The limitation of the chairs to five appears to have been maintained, since Bachelors from other Universities swore 'quod juxta statutum apostolicum doctorum juris civilis numerum quinarium observabit.' Bimbenet, p. 204.

least a nominal participation in the government of the Studium. Accordingly we find the Statutes enacted by the Rector, the Doctors, and the Proctors of the ten Nations, the latter being students and elected by students[1]. It is probable (though not certain) that this student-organization had existed in some form or other from a much earlier period[2].

Quarrel with the town, 1309.

The Masters and scholars had hitherto lived in Orleans without any special University privileges whether Papal or Royal; and the reader will by this time have seen too much of the invidious character and working of these privileges to be surprised at their introduction being resented by the townsfolk, however necessary they may have been to protect the students from as bad or worse oppression at their hands. When in 1309 the Masters and scholars had assembled to hear a certain Papal Bull read in the Dominican convent[3], the Assembly was dispersed by a violent irruption of burghers, who significantly reminded them of a great massacre of clerks by the Pastoreaux fifty-nine years ago[4] and declared that they would never be at peace with the gownsmen until they renounced their privileges[5]. In 1312, after three years of confusion, Philip IV —who was just completing his subjugation of the Papacy,

[1] Fournier, I. No. 22.

[2] It is noticeable that at Toulouse there were also, in 1311, ten *Consiliarii*, sometimes styled *Procuratores*, but of these four were Masters. There were no Nations at Toulouse. See below. p. 166.

[3] The Bull read was probably No. 25. The fact that the University Congregations met in the Dominican convent appears to be Bimbenet's only authority for supposing that the Schools were held here also. Of course his theory (p. 306) that the University grew out of the Convent schools is quite contrary to all analogy and probability. Afterwards the usual meeting place was the University Chapel in the Church of Notre-Dame-de-Bonne-Nouvelle. Bimbenet (p. 297) describes a very beautiful building (as still surviving) of the fourteenth or fifteenth century traditionally known as the *Salle des actes ou des thèses*. But Fournier (*Hist.* III. p. 192) speaks of the *Grandes Écoles* as having been destroyed 'dans ce siècle.'

[4] The text has LXIX. Either this must be a distinct episode from that mentioned above (p. 141, n. 1), or more probably LXIX is a mistake for LIX. As to the date of the incident itself, Fournier appears to be wrong in giving 1310. See Denifle, I. p. 260, n. 161.

[5] Fournier, I. Nos. 27–31.

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of the Templars, of the Archbishop of Lyons, of the clergy throughout his realm—declared in favour of the Town. The Masters and scholars were forbidden to exercise their Papal privileges, to hold Congregations, to elect a Rector, to demand oaths or assume any other rights of an independent corporation. Both the Universitas and the Nations were suppressed. Only the Masters might meet at the summons of their Dean to make necessary regulations for the most strictly scholastic purposes [1].

By way of adding insult to injury, the King attempted to compensate the scholars for the loss of their University rights by handing them over to the protection or surveillance of the Bailiff and Provost of Orleans, the latter being made Conservator of such privileges as the King chose to recognize [2]. After a few more years of discontent and agitation the scholars determined to resort to a remedy which seldom failed to extract reasonable terms from the enemies of scholastic liberty. A little before Easter 1316 the whole body bound themselves by an oath to leave the town if their demands were not acceded to before the ensuing festival. The threat was executed, and the Masters and scholars decamped in a body to Nevers [3],

Migration to Nevers, 1316.

[1] Fournier, I. Nos. 36–40. The Ordinance, No. 37, is instructive as an account of the clear distinction which it draws between the *Studium Generale* and the *Universitas*. 'Universitatem hujusmodi que causam huic prestabat scandalo, nec fuerat auctoritate nostra subnixa, tolli decrevimus . . . Ceterum . . . studium generale presertim juris canonici et civilis, dante Deo, perpetuum ibidem esse volumus, hoc salvo quod Theologie magistri nullatenus creentur ibidem, ne detrahatur privilegiis Romane sedis studio Parisiensi concessis . . . Congregationes generales, que necdum vagandi, sed frequenter scandali materiam prestare solent, inhibemus eisdem.' It is observable that Orleans is spoken of as a studium 'liberalium artium, precipue juris,' &c., but there is no trace of any organized Studium except in Law after the decay of the old Schools of Rhetoric.

[2] Fournier, I. Nos. 35, 37, 41.

[3] *Ib.* No. 47. The consent of the town of Nevers was only obtained by a renunciation of most of the University privileges. It will be noticed how different the feeling of northern towns, who regarded scholars as 'clerks,' was to the welcome generally accorded to migrating students by the Italian cities. The settlement at Nevers ended in a riot, in which the citizens pitched the Doctors' *cathedræ* into the river to float back to Orleans, 'clamantes alta voce, "Ecce studium portamus in

which then lay in Burgundian territory. Pope John XXII (an *alumnus* of Orleans) interposed on behalf of the exiled scholars, and Philip V was at last driven to accept his mediation. The compromise which he suggested—the limitation which it imposed upon the privileges of scholars—shows exactly where the shoe which the burghers of the University Town were required to wear, pinched most intolerably. By the Pope's mediation it was arranged that the University should never interfere as a corporation in disputes between a private citizen and an individual scholar[1]. If the criminous scholar was still allowed almost total impunity through his exemption from the jurisdiction of the lay tribunals, the Town Magistrates were at all events freed from the necessity of allowing their fellow-citizens, guilty or innocent, to be imprisoned or heavily fined at the bidding of the academical authorities for fear of a 'suspension of lectures,' or an eventual dispersion[2]. The terms were accepted by the Town and enforced by a Royal edict in 1320: after which the scholars returned to Orleans. It is from this time that the most flourishing period in the history of the University begins. The *rotulus beneficiandorum* presented to Benedict XIII in 1394 contains the names of ninety-five resident Licentiates in one or both Laws[3], and in all 844

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Compromise.

Confirmed by King, 1320.

Numbers.

ripperia Ligerris submergendum, et postmodo de scolariis (*sic*) simili modo faciemus!"' *Ib.* No. 53. Cf. No. 71, which gives the fines imposed by the Parlement of Paris on fifty-seven offenders. There are two articles on this secession to Nevers, one by Duminy in the *Bulletin de la Soc. nivernaise des Sciences et Lettres*, T. XI. (1883) p. 358, the other by Bimbenet in *Mém. de la Soc. d'Agricult. Sciences et Arts d'Orléans*, 1877, p. 5.

[1] 'Universitas, rector, doctores aut scolares illius de factis singulorum scolarium et doctorum universitatis nomine se nullatenus intromittant' (Fournier, I. No. 55). The privilege was the more invidious since private individuals were not allowed to appear in the Courts by a legal representative (*Ib.*). All scholars are here assumed to be clerks, but a doubt arises as to the fiscal immunities of married scholars (*Ib.* No. 199).

[2] Fournier, I. Nos. 58–68.

[3] Fournier, III. No. 1891. Fournier (*Hist.* III. p. 41) seems to assume that the 844 represents the total number of students. But (1) it is doubtful whether every clerk, however young, would have put down his name, (2) and certain

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students, of whom 551 were resident. This may be conjectured to represent an academic population of not less than 800 or 1,000; though it is, of course, impossible to estimate precisely the proportion of enrolled to unenrolled. Probably the expectants of ecclesiastical benefices would prove a majority.

Constitution.

The constitution of the University exhibits a remarkable compromise between the rival types of Paris and Bologna. We have seen that before the Papal Bull of Incorporation the Scholasticus of Orleans, like the Chancellor of Oxford, occupied a double position as the Bishop's representative and at the same time Head of the Magisterial Guild. After the final establishment of a Rectorship, the Scholasticus recedes into the position of the Parisian Chancellor, and the Rector becomes Head of the University proper. From this time the ordinary affairs of the University were administered by a College consisting of the Doctors Ordinary and the ten Proctors of the Student-Nations. These Nations were France, Germany, Lorraine, Burgundy, Champagne, Picardy, Normandy, Touraine, Aquitaine, and Scotland [1]. The Rector was elected by the Nations, but was often, if not usually, a Doctor. The occasions on which the whole University of Doctors and students are summoned appear, however, to have gradually increased in

that there must have been law-students who could not hold, and did not want, a benefice. Considering the large proportion of students elsewhere who did not proceed so far as the Licence, 230 Licentiates, of whom ninety-five were residents, must represent more than 551 residents. Note that the numbers were not swollen, as in many Universities, by boy-students in Arts and in Grammar. (M. Fournier has since disclaimed the above interpretation of his words.)

[1] The names are collected from various documents. All appear in Fournier, III. No. 1891, except Germany, one Proctor being mentioned without the name of his Nation. Bimbenet (p. 9) gives Guyenne in place of Aquitaine. In 1400 the nation of France was divided into five provinces (Fournier, I. Nos. 238, 239), afterwards styled *Parqueta*. Here, as in Italy, the German Nation enjoyed mysterious privileges, *i. e.* of taking their Licentiate's and Bachelor's degree by accumulation after five years, while others took five years for the Bachelorship and five more for the Doctorate. *Ib.* Nos. 154, 344.

frequency[1]: and in 1389 a dispute between the students and Doctors led to a more exact determination of the relations between the College and the University by the Parlement of Paris. The University was not to be summoned till the matter had been discussed in the College, but a majority of the Proctors could insist on a General Congregation. On the other hand, the College could not disburse more than twenty *solidi* in a single Rectorship without consulting the Nations. The Proctors were to be Licentiates, or at least Bachelors, wherever possible[2]. Later changes slightly increased the power of the students[3]. Ch. VIII, § 2.

No other Faculties but Law.

After the decay of the literary Schools in the thirteenth century, no regular Faculty of Arts manifests its existence in the Orleans documents, nor any other Faculty except that of Law[4]. Hardly any University of such high repute[5] remained, as appears to have been the case at Orleans, without a single endowed College for poor students. On the other hand, we find that there were *hospicia* for students presided over by Doctors, Bachelors or students, who in

No Colleges.

[1] Fournier, I. No. 155. contains the first allusion to such General Congregations. A Statute of the German Nation (No. 192) forbidding its Proctor to consent to the expenditure of more than forty *solidi* 'inconsultis eis' perhaps indicates the powers by which the students managed to acquire a direct instead of a representative share in the government of the University. A Bull of 1388 allows a Licentiate or Bachelor to be Rector. (Denifle, *Les Univ. franç.* p. 51.)

[2] Fournier, I. No. 216.

[3] In 1406 three Proctors were given the power to demand a General Congregation (*ib.* No. 251). The reform of Charles VII in 1447 (No. 294) (1) disfranchised students 'in primo volumine auditionis existentes,' (2) recognized an intermediate *collegium solenne* at which all Doctors, Licentiates and persons summoned by the Rector attended besides the *Collegium Ordinarium*. The *Procurator Generalis* (Registrar, Treasurer, and Syndic in one), becomes an increasingly important official, and was evidently present at meetings of the College, but it does not appear that he had a vote.

[4] In 1446 we find Grammatici allowed to enjoy the University privileges (Fournier, I. No. 290): and in 1447 (No. 294) there is a provision against 'acquiring time' in Arts at the same time as Law, but this may refer to residence kept in other Universities.

[5] Among the *alumni* of later days are mentioned Reuchlin, Calvin, Beza, Molière, and Du Cange.

CH. VIII, § 3. the middle of the fifteenth century are required to maintain quite as much discipline over their *socii* as was exercised by the Principals of Parisian or Oxonian Halls [1].

§ 3. ANGERS.

POCQUET DE LIVONNIÈRE, *Privilèges de l'Université d'Angers*, 1709 and 1736. DUBOYS, *Privilèges des Professeurs de Droit*, Angers, 1745. RANGEARD, *Histoire de l'Université d'Angers*, éd. Lemarchand, Angers, 1872, is one of the best, most learned, and most critical of the older University historians, containing many documents. (Rangeard lived 1692–1726.) DE LENS, *L'Université de l'Anjou*, T. I., Angers, 1880, continues Rangeard (who stops at 1428) and adds a few documents; also *La Faculté de Théologie de l'Université d'Angers* (*Revue de l'Anjou*, 1879). PORT, *Statuts des quatre Facultés de l'Université d'Angers*, 1406–1498, Angers, 1878; also *La Bibliothèque de l'Université d'Angers* (*Revue de l'Anjou*, 1867).

Origin. Angers was an ancient Cathedral School which gradually developed into a University. But here as in many other cases the development was not entirely spontaneous and independent. It owed its position as a Studium Generale to an immigration from one of the two great archetypal Studia: and its institutions were moulded more or less in conformity with the models already established at Paris and Bologna.

The old Cathedral School. The Cathedral School of Angers was in the first half of the eleventh century taught by two successive pupils of the celebrated Fulbert of Chartres [2]: at the end of the eleventh and beginning of the twelfth century it attained considerable reputation under two successive *Scholastici*, Marbodus afterwards bishop of Rennes and Ulger afterwards bishop of Angers. The mythical accounts of the origin of the University seek to connect it with the names of these two prelates, the former of whom is even alleged to have pro-

[1] 'Doctores, licentiatos et bachalarios et alios quoscumque scolares ad suam pensionem tenentes, quod eos moribus et doctrina diligenter instruant,' &c. Fournier, I. No. 294. It is, of course, quite possible that these presiding students were *elected*, like the Oxford Principals. Cf. the *pædagogi* at Angers, below, p. 156.

[2] During the Episcopate of Hubert of Vendôme (1010–1047). The Masters were Sigo, afterwards Abbot of S. Florent, and Hilduin, afterwards Abbot of S. Nicolas, near Angers. De Lens, I. p. 8.

cured a foundation-bull from Rome[1]. The later Statutes represent Ulger as the founder of a benefaction for the Bedels[2]. Assuming that the fact and the date are correct, we cannot feel sure that the Bedels meant were originally the Bedels of the Schools. and the whole story has a very apocryphal aspect: but there is no reason to deny (as Denifle seems rather disposed to do) all continuity between the old Cathedral School and the later University. We know, indeed, nothing of the special subjects for which Angers obtained its scholastic fame under Marbodus and Ulger; but the early connexion with the celebrated Canonist, Fulbert of Chartres, may be held to indicate a probability that Law was included under its curriculum. After the time of Ulger, however, we have no positive knowledge of the Schools of Angers until the year 1229, when the great Parisian dispersion compelled many—perhaps the main contingent of the fugitive students—to seek a home in Angers beyond the direct control of the French King. As, however, this migration fails to account for the special predominance of Law at Angers, it seems highly probable that the prohibition of the Civil Law at

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Parisian Immigration of 1229.

[1] De Lens, I. p. 9; Rangeard, I. p. 10 *sq.* Marbodus became Scholasticus *c.* 1075, and died 1123: Ulger became Bishop of Angers in 1124. A 'Magister divinorum librorum' is mentioned by Abelard as teaching an extreme and heretical Realism 'in pago Andegavensi' (*ante* 1120), *Opp.* ed. Cousin, II. p. 84. De Lens makes Berengar teach at Angers *c.* 1089, not as Scholasticus but as Grammaticus, a fact which he declares to be established by an ancient Obituary of the Cathedral, *l. c.* (cf. Rangeard, I. pp. 17, 18). If the document of which a notarial certificate is given in Rangeard, II. p. 158, be genuine, it would show that the College of S. Maurice was established in connexion with the Chapel of S. Mary for the instruction (or rather support) of the clerks and Chaplains of the Church of S. Maurice in 1032; but this is rather early for endowed Colleges. The 'Scholastria' was endowed in 1077. Document in Rangeard, II. p. 159.

[2] 'Quiquidem bidelli illa die, durante tempore licentiæ, debent ad unam comestionem recipi in parva aula dicti palatii; et quisquis sit claviger seu custos ejusdem debet eis de bonis episcopi Andevagensis pro tempore ministrare panem et vinum et alia cibaria eisdem necessaria; quæ prædicta bonæ memoriæ dominus Ulgerius, quondam episcopus Andevagensis, eisdem contulit et donavit, et prædicta fieri perpetuo voluit et præcepit.' Stat. of 1373 ap. Rangeard, II. p. 223; Fournier, I. No. 396.

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Possible earlier Migration in 1219.

Paris in 1219 had already led to the transference of some Civilians from Paris to Angers. At all events it is to this prohibition that Angers, more even than Orleans, owed its prosperity. Angers was *par excellence* the School of *Civil* Law. It is doubtful, indeed, whether promotions in any other Faculty than Civil or Canon Law ever took place here[1] before 1432. Though Angers never possessed in medieval times the same scientific importance as the School of Orleans, it was hardly less famous as the school of practical lawyers, especially during the fifteenth century, and in the sixteenth surpassed it as a seat of the great legal Renaissance[2].

A Studium Generale.

Angers is reckoned by Denifle among the Universities which grew up 'ohne Stiftbriefe': and from the fact that no less than seven Doctors are found teaching here at one time in the course of the thirteenth century, it is practically certain that regular graduations must have taken place[3]. By a curious accident we find the Studium, just at the time of the Parisian immigration, expressly described by a contemporary writer as a Studium Particulare[4], while Matthew Paris no less distinctly implies its generality[5], though it is

[1] There were of course schools of Grammar and Logic. In 1298 there were such schools at the Collegiate Church of S. Peter, and the Dean has the right 'duos pueros et duos *baccalarios* duntaxat ponere et instituere in choro ecclesiæ Sancti Petri predicti' (Rangeard, II. 187: Fournier, I. No. 370). The use of the word Baccalareus may naturally suggest that promotions already took place in Arts, but according to Rangeard (I. p. 324) the term was then applied to the younger ecclesiastics of a Church without reference to their academical status. See above, vol. I, p. 209, n. 2.

[2] Fournier, *Hist.* III. pp. 206, 7.

[3] The *Questiones Andegavis disputate* in Bibl. Nat. Cod. Lat. 11724 (Denifle, I. p. 271). The MS. belongs to the second half of the century.

[4] 'Annum millenum Domini, centum bis et annos,
Vigintique novem, semita solis agit,
Sanguine Parisius studium dissolvitur: orbe
In toto sentit prælia sacra Syon.
Andegavis studium quod particulare cohæret
Illud dissolvunt proxima bella novum.'
Joh. de Garlandia, *De triumphis ecclesiæ*, ed. Wright, p. 99.

[5] 'Recedentes itaque clerici generaliter universi contulerunt se ad majores civitates regionum diversarum. Quorum tamen maxima pars civitatem Andegavensium metropolitanam ad doctrinam elegit universalem' (Matt. Par. *Chron. Maj.* (ed.

not till 1337 that it is officially recognized as such[1]. We see the School in the act of passing from a 'particular' to a 'general' Studium. It is one of the very few undoubted Studia Generalia that never obtained either a Papal Bull of foundation or express recognition of its *jus ubique docendi*. It was not till 1364 that it received a charter from Charles V conferring upon it all the privileges of the University of Orleans and appointing the Seneschal of Anjou and Provost of Angers Conservators[2]. But by this time it had long been treated both by Kings and Popes as completely on a level with the formally constituted Studia Generalia[3].

Constitution.

The constitution of Angers is in the main strikingly parallel to that of Orleans. There is no evidence to show which of them was the more ancient, but the total dissimilarity between the original constitution of these two Universities and those of the greater Universities—Paris and Bologna—is the best evidence of their antiquity. Such a constitution could not well have grown up after the first half of the thirteenth century. In Angers and Orleans we have in fact a survival of that primitive and imperfect University organization out of which Paris began to emerge early in the thirteenth century and Oxford (as

Luard), III. p. 168: see above, vol. I. p. 337). 'Universalem' is, of course, equivalent to 'generalem.' In the following year the Pope writes, 'magistris et scholaribus Parisius et Andegavi commorantibus' (Fournier, I. No. 362). The first express notice of the teaching of the Civil Law occurs in 1242 in a letter from Otho de Fontana, 'juris civilis professor docens Andegavi' (Rangeard, II. p. 178; Fournier, I. No. 363). But there is perhaps a slight presumption that there was a Studium of Law within the province when the Provincial Synod of Tours in 1236 required a period of legal study for Officials and Advocates in the Ecclesiastical Courts (Mansi, *Concilia*, XXIII. 412).

[1] In an Episcopal Ordinance (Fournier, I. No. 378), 'Statum honorabilem et antiquum Andegavensis studii generalis . . . in quo tot boni viri ducum, comitum et aliorum principum et baronum fratres, filii et nepotes et alto sanguine derivati retroactis temporibus studuerunt'

[2] Rangeard, II. 210; Fournier, I. No. 388.

[3] Fournier, I. Nos. 375–384. The first *Rotulus Beneficiandorum* mentioned by Fournier is in 1342 (No. 379): the first general permission to enjoy the fruits of benefices while residing in the Studium is dated 1363 (No. 387; Rangeard, II. 208). It received the *jus non trahi extra* from Gregory XI in 1371 (No. 394).

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The Scholasticus Head of the University.

we shall see) some thirty years later[1]: and Angers retained this primitive simplicity longer even than Orleans. As late as 1350 the Scholasticus or 'Maistre-escoles' is still the sole Head of the University. He is himself a Regent Doctor of the School and the Head of the College of Doctors. Statutes of some kind are already in existence, but so little authority has the College acquired—so little has it emerged from the merely customary stage of its existence—that a Licentiate is found attempting, with the approval of the Scholasticus but in defiance of the College and its regulations, to incept under a Doctor who is not and never has been a Regent Doctor at Angers[2]. The result is an appeal to the Bishop, of whose authority over the Studium there is no question. The earliest extant Statutes are of some twenty years later and enable us to complete our picture. Under the Scholasticus is a Dean of the College of Doctors who exercises, concurrently with the Scholasticus, a judicial authority over Masters and scholars, and acts as Treasurer of the College. There is no Rector of the University. The power of making Statutes is thus lodged entirely with the Scholasticus and the Doctors. Indeed, the Doctors themselves seem only just emerging from that original state of absolute bondage to the Scholasticus from which the Masters of Paris had emancipated themselves more than a century and a half before: the Statutes of 1373 are made by the Scholasticus 'with the consent' of the Doctors. There are, indeed, as at Orleans, certain Nations of students—

The Nations.

[1] It is worth noticing that many of the Parisian settlers of 1229 were Englishmen. It seems to be implied that the five Englishmen mentioned by Matthew of Paris went to Angers. Some of these are alleged to have afterwards studied at Oxford, where the Chancellor's position was very closely parallel to that of the Scholasticus at Angers (Matt. Paris *l. c.*; Rangeard, I. p. 136).

[2] 'Ad nostri devenit notitiam quod venerabilis vir magister Garnerius de Cepeaux actu tunc non regens, neque rexerat in dicto studio ordinarie, intendebat et jactavit se in dicto studio venerabilem virum magistrum Laurentium Beaulamère creare in doctorem in legibus; et quod ipse magister Laurentius intendebat incipere sub eodem,' &c. (Rangeard, II. p. 200; Fournier, I. No. 381).

probably dating from the thirteenth century[1]—side by side with the College of Doctors, but neither the University of students nor its constituent Nations or their Proctors are recognized by the magisterial College as sharing the supreme legislative power, though their Statutes do recognize the authority of the Proctors over the students[2]. The Nations are still the mere student-clubs or guilds which the Bologna Universities themselves must have been in their origin towards the close of the twelfth century.

Assertion of Student rights.

It was inevitable that the students should grow impatient of the yoke which the students of most other Law Universities had thrown off. The first quarrel between the students on the one hand and the Scholasticus and Doctors on the other arose in 1389, when 283 students—'the major and the saner part' as they styled themselves—appealed to the Parlement for a redress of grievances. By this time it was customary for the students to be summoned on important occasions to General Congregations, and the students contend that the Scholasticus was bound to decide by a majority of votes. It appears, however, that he sometimes disregarded the views of the majority or refused to 'conclude' at all: and the Doctors still claim that they are really the University[3]. Initiation and administration clearly rested with the Doctoral College, though there were rare occasions on which the Proctors of the

[1] The number is usually given as ten, and the names as the same as at Orleans, except that Brittany takes the place of Germany: but there seems to be no express mention of them before 1373, and then there is nothing to fix the number at ten (Fournier, *Hist.* III. pp. 161–2) except the statement of Rangeard (I. p. 259). The Ordinances issued in 1279 by Charles III, King of Sicily and Count of Anjou, as to interest, regrating, &c. at the request of the burghers and 'des escolliers demeurans à Angiers,' make it probable that some kind of student-organization existed at that time. Rangeard, II. p. 180; Fournier, I. No. 365.

[2] 'Item quod scholares infra mensem [Fournier reads 'menses'; if so, the number must have dropped out] a tempore sui primi adventus teneantur jurare statuta dicti studii observare: quod juramentum teneantur præstare procuratori suæ nationis.' Rangeard, II. p. 226; Fournier, I. No. 396.

[3] Fournier, I. No. 414.

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Nations were summoned to confer with the Doctors[1]. The result of this rebellion was that the students acquired the modest right of electing a representative to assist at the audit of the University accounts[2]. It is probable, indeed, that it was the necessity of getting the students' consent for taxation on such occasions as the sending of a Roll to Avignon that originally compelled the Doctors to summon General Congregations, and that here, as so often both in Universities and in States, the power of the purse ultimately carried with it legislative supremacy. At all events it was the administration of the *collecta* raised for sending a Roll to the Pope in 1395 which led to a renewed rebellion. The students again brought their grievances before the Parlement and petitioned for a constitution like that of other Universities[3].

Reform of 1398.

The report of the Commissioners of Parlement was favourable to the demands of the students, and the upshot of the affair was that in 1398 the University was reorganized on the model of Orleans and a new code of Statutes drawn up. The Scholasticus and the Doctors, however, retained a rather more favourable position than at Orleans. There was a Rector, but it was provided that the Doctors should hold the office by rotation. The Scholasticus was allowed precedence over the Rector in scholastic acts, though not on other occasions. The ordinary administration was entrusted to the College of Doctors and Proctors presided over by the Rector, to which was here added the Procurator-General of the University. Three Proctors might demand a General Congregation, which is now definitively recognized as the governing body of the University[4]. In 1410, what-

[1] 'Disoit outre ledict maistre-escolle que il et les docteurs régents ordinairement en ladicte Université seuls et pour le tout font Université et collège sans les escolliers, car ils ont arche, séel et profession et signes de l'Université, de corps et de collége': while the students are spoken of as 'eux qui n'ont corps ne collége, arche, séel, ne aucun signe de Université.' Fournier, I. No. 425.

[2] Fournier, I. Nos. 417, 418.

[3] Fournier, I. Nos. 422–427.

[4] Fournier, I. Nos. 430–437; Rangeard, II. p. 232. Yet it is worth noticing that the Nations seem to have no means except social excom-

ever their previous number, there are six Nations only and the sixth is spoken of as a new creation. Their names supply interesting evidence as to the regions from which the University drew its students. They are, (1) Anjou (including the adjoining diocese of Tours), (2) Brittany, (3) Maine, (4) Normandy, (5) Aquitaine (including the 'provinces' of Bourges, Bordeaux, Narbonne, Toulouse, Auch), and (6) France[1]. At the same time the constitution is still further modified in a democratic direction. The Rector is to be chosen exclusively from the Licentiates by electors named by the Nations: Doctors are ineligible as electors. Moreover, it is provided that in the Council or Congregation the Doctors shall have no votes in matters affecting themselves and their College. The superiority of the Rector to the Scholasticus is now for the first time proclaimed, respect being paid to the interests of the then occupant of the office[2]. The Scholasticus has ceased to be the Head of the University, and he is henceforth limited to the conferment of the Licence, like the Chancellor of other Universities[3].

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Democratic changes.

As the sixteenth century approaches we find here as elsewhere a reaction in favour of magisterial authority. The Statutes drawn up by the Commissioners of the Parlement of Paris in 1494 enact that in future no one shall have a

Curtailment of Student-rights, 1494.

munication to compel a new scholar to join their body. Cf. the Statute of the Nation of Maine in 1419: 'Noviter venientes ... si juramenta prelibata noluerunt ... facere, presentes in artibus scolasticis ipsos non sociabunt; ymo ipsum juramentum prestare recusantes, ut prefertur, quantum poterunt evitabunt, nec eos conviviando associabunt.' Fournier, I. No. 465.

[1] 'Sexta erit natio Franciæ, quæ de novo certis de causis virtute commissionis nostræ per nos constituta est, et habet sub se provincias Lugdunensem, Senonensem et Remensem' (Rangeard, II. 240); but the historian tells us (I. 385) 'Elle subsistoit cependant avant leur (the Commissioners') arrivée à Angers, mais sans avoir encore une forme aussi régulière.' Or were the French students hitherto outside the Nations like the 'Bononienses' at Bologna? As to the date, see Fournier, I. No. 449 *note*.

[2] Rangeard, II. p. 244; Fournier, I. Nos. 448, 449. The former wrongly ascribes these Statutes to 1400.

[3] He appears at first to have retained the right of making Bachelors. But after 1435 he took no part either in the Inceptions or the conferment of the Baccalaureate. De Lens, I. p. 22.

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vote in the Congregation of the University or of any of its Nations who is below the degree of Master of Arts or Bachelor in one of the Superior Faculties [1]. It is interesting to notice that by this time the Pædagogy-system had spread from the Faculty of Arts to that of Law. There were, it appears, a class of young students in Law known as *Justiniani*, who lived in the houses kept by Pædagogi, by whom they were prepared for the study of Law without necessarily attending any of the regular University Regents or Professors. Law students presumably went direct to the study of Law without any preparatory training in Arts.

Other Faculties, 1432.

It was not till 1432 that regular Faculties of Theology, Medicine, and Arts, under their respective Deans, were established at Angers under a Bull of Eugenius IV; the students were, however, united in the same University with the students of Canon and Civil Law. The Licence in Arts was conferred by the Dean of the Collegiate Church of S. John the Baptist [2].

Number of Chairs.

The mode of graduation and the regulations of the Studium are for the most part similar to those of the University

[1] Fournier, I. No. 492. It is, however, provided that when possible the Proctors shall consult their Nations (in which students still had votes) beforehand on matters to be brought before General Congregations. It may be noticed that Sunday is contemplated as a usual day for meetings of the Nations. In the same year it was ordered by the Parlement that the senior Licentiate of each Nation in turn should be Rector of the University, and the senior Bachelor of each Nation Proctor, to avoid 'les grands meurtres et battures, et autres grands scandales et perdition de temps,' involved in Rectorial Elections. It appears that 5 or 6 scholars in the one Nation of Maine, besides others, had been 'tuez, mutilez, et battuz' within the last few years (*ib.* Nos. 495, 496). Promotion by seniority was, however, found to involve 'graviora mala et damna prioribus,' and was abolished the next year (*ib.* No. 499).

[2] Fournier, I. Nos. 472, 474, 488. There is a stray allusion to 'audiendo . . . in jure canonica vel *in theologia*' in 1317 (Fournier, I. No. 374). This may refer to the Schools of the Dominicans, who in 1405 were admitted to the privileges of the University (Rangeard, II. 271; Fournier, I. No. 442). The Bull of Eugenius IV grants the right of graduation but not expressly the *jus ubique docendi*. The members of the Faculty of Arts were not admissible to offices of the University till 1494 (Fournier, I. Nos. 491, 494); and then a long conflict between the Faculties began, which extends beyond our period.

of Orleans. Here also the full rights of Regency (*i. e.* the right of giving ordinary lectures) were confined to a small, limited and probably co-opting College of Doctors. The Statutes of 1373 provide for three or four Doctors of Law, two or three in the Decretals, and two in the Decretum [1]. In 1494 the number of Regents in Law was reduced to six —four in Civil and two in Canon Law [2].

Colleges.

The Collége de Fougères for four scholars of Law was founded by Guillaume de Fougères in 1361 [3]; the Collége de la Fromagerie for four scholars in 1408 [4]; the Collége de Bueil for a Principal, Chaplain, and six scholars in 1424 [5].

Numbers.

A Roll of the year 1378 gives the names of 14 Doctors, 5 Licentiates, 73 Nobles, 286 Bachelors, and 188 Students [6]. From the large proportion of Bachelors to simple students, it is probable that a large number of the latter did not send in their names.

§ 4. TOULOUSE (1230, 1233).

There is no complete History of the University of Toulouse. A few documents and notices occur in DE LAFAILLE, *Annales de la Ville de Toulouse*, 1687. There is a clear sketch of the history of the University in a succession of articles by GATIEN-ARNOULT in *Mém. de l'Acad. des sciences, inscriptions et belles-lettres de Toulouse*, 1857, 1877, 1878, 1881, 1882; also *Trois maîtres de Théologie à l'Université de Toulouse* in *Revue de Toulouse*, 1866. But the most important work on the subject is contained in the new edition of the monumental *Histoire de Languedoc* by DEVIC and VAISSETTE, with Preface by A. MOLINIER, T. VII. VIII., published by Privat, Toulouse, 1874,

[1] Rangeard, II. 216; Fournier, I. No. 396. Afterwards we hear of a Regent 'pour la nation d'Anjou' (*ib.* No. 439). There are traces of a connexion between a Regent and a particular Nation at Orleans also.

[2] Fournier, I. No. 492. At this time they enjoyed 'Salaria . . . de erario publico totius nostre Universitatis' (*ib.* No. 498).

[3] Rangeard, II. 205; Fournier, I. No. 385.

[4] Rangeard, II. 273; Fournier, I. No. 447. It is noticeable that the deed of foundation contemplates the admission of pensioners. The College was under the supervision of the College of the University.

[5] Rangeard, II. p. 307; Fournier, I. No. 467.

[6] Fournier, III. No. 1897.

CH. VIII, § 4.

with a full collection of documents. There are also articles by RODIÈRE, *Recherches sur l'enseignement du Droit à Toulouse* in *Recueil de l'Acad. de législation de Toulouse*, T. IX. (where the Statutes of 1314 were printed for the first time) X. XV.; and by DU BOURG, *Épisode des luttes de l'Un. et du capitole de Toulouse* in *Mém. de l'Acad. de Toulouse*, 1889. SAINT-CHARLES has published a series of articles on the various Colleges in the *Mém. de l'Acad. de Toulouse*, 1883-1886.

Toulouse the first University founded by Papal Bull.

The foundation of the University of Toulouse is an event of very considerable importance in the history of the medieval University-system. It exercised a marked influence over the development of the University idea in the medieval mind. It was, indeed, the first University (with the partial exception of Palencia) that can properly be said to have been founded at all. A very peculiar combination of circumstances suggested to the Pope the idea of reproducing artificially in the City of Toulouse the institution or system of institutions which had spontaneously developed themselves at Paris and Oxford. And this precedent in turn suggested the notion that the Pope could 'found' other Studia Generalia at the request of a Sovereign or a City, in the same way as he had founded Toulouse for his own special purposes: and from that notion it was but a step to the development of the theory that a Studium Generale could only be founded by the Pope or his rival in the government of the medieval world-state, the Holy Roman Emperor.

Origination in the triumph of the Church over the Albigensian heresy.

It would lead us too far away from our subject to dwell in any detail upon that momentous crisis in the history of medieval Europe which is constituted by the Albigensian movement and its tragical sequel, the Albigensian Crusade. In that movement, at once religious and intellectual, born of the freedom, the brightness, the 'lay spirit' engendered of prosperous commerce and a sunny City life, we seem to trace the dawn both of a healthier Renaissance and a more joyous Reformation. In the suppression of all that Languedocian and Provençal freedom, civil, religious, intellectual, by the assembled chivalry and the assembled ruffianism of Europe, we see anticipated the hardly less ferocious if less earnest counter-reformation of the sixteenth

and seventeenth centuries—the S. Bartholomew, the Dragonnades, the Jesuit-domination. The place that was occupied in the counter-reformation by the Jesuit Colleges was taken in the thirteenth century by the Dominicans, but to some extent also by the University of Toulouse; which was, indeed, largely in the hands of that Order. The University was intended as a sort of spiritual garrison in the heart of the conquered land of Heresy.

Intended as a spiritual garrison of Languedoc.

Toulouse was the very focus of the religious and intellectual fermentation which had at length broken forth in the Albigensian heresy: at Toulouse therefore it was determined to establish a great School which should be specially devoted to the maintainance of the Catholic faith and the extirpation of heresy. In the North of France, where culture was more theological and more ecclesiastical than it was in the South, the intellectualism of the age was on the whole of a far less bold and destructive character than in the South of France with its educated laity, its sceptical troubadours, and its peculiarly indolent and ignorant clergy: it was determined, therefore, to build up a seminary of ecclesiastical learning upon the ruins of the vernacular and secular culture of Languedoc. It was, indeed, recognized that even among the clerks of Paris the spirit of enquiry and bold speculation had made great advances: at Toulouse the danger was to be averted by a careful choice of teachers. The theological Faculty was in the hands of the Friars; and an Abbot was sent to Paris to select Masters for the other Faculties[1].

Germ of the University in lectures founded by Honorius III.

The idea of sending Parisian Theologians to extirpate heresy in Languedoc seems to have originated with that great patron of the rising Universities, Honorius III[2]: and some theological lectures were actually started. In the mind of his successor, Gregory IX, the project grew and ripened into the conception of a completely equipped

[1] Elias of Guarni, Abbot of Grand-Selve. Gatien-Arnoult, *Mémoires*, 1857, p. 206.

[2] In 1217 Honorius III had written to invite Parisian Masters to come to Toulouse to apply themselves 'lectioni, predicationi et exortationi' (Fournier, I, No. 502).

CH. VIII, § 4.

The Treaty of Paris 12$\frac{11}{12}$.

Studium of the Parisian type. On Maundy Thursday 12$\frac{2}{3}\frac{9}{0}$, before the great door of Notre Dame at Paris, the final treaty was signed between the conquered Count Raymond of Toulouse and his orthodox conqueror, Louis IX. By an article of that treaty it was provided that for ten years Raymond should pay salaries amounting altogether to 400 marks *per annum* divided among fourteen Professors; there were to be four Masters of Theology with fifty marks, two Decretists with thirty, six Artists with twenty[1], two Grammarians with ten. The moment was most auspicious for the success of the new enterprise. The University of Paris had just decreed a dispersion in consequence of the great dispute with the burghers. There was therefore no difficulty about attracting unemployed Professors to Toulouse: and Parisian scholars would naturally follow the Parisian Masters. The lectures started before the year was out. At least the Grammarian, Johannes de Garlandia, afterwards one of Roger Bacon's instructors at Paris, was there by the close of the year; though the chief theological teacher, the Dominican Roland of Cremona, did not arrive till the next[2]. Soon after the opening of the Schools a sort of prospectus or advertisement of the University was sent in the name of the Masters and scholars of Toulouse to their scholastic brethren throughout Europe, describing in glowing terms the advantages offered by the new institution[3]. It is a noteworthy indication of the spirit which governed the educational policy of the Popes that, so far from any attempt being made to suppress the new Aristotelian Science, it is spe-

Favoured by the Parisian Dispersion.

The circular Programme.

[1] Fournier, I. No. 505.

[2] Denifle, I. p. 327. Johannes de Garlandia has left a poem, *de triumphis Ecclesiæ* (ed Wright, London, 1866, pp. 92–105), in which the establishment and decay of the University are vividly described. As authorities for the subsequent narrative, I may refer generally to this poem, to the ghastly account of the suppression of heresy in Toulouse during these years in the *Chronicon* by one of the Toulouse Dominicans, Guillelmus Pelissus (ed. Molinier, Anicii, 1880), and to the accounts derived mainly from these authorities by M. Gatien-Arnoult and Denifle.

[3] Fournier, I. No. 504.

cially mentioned as one of the attractions of the Studium, that the works of Natural Philosophy (which had been forbidden at Paris) were to be taught freely at Toulouse[1]. It was the teachers rather than the books that had been suspected at Paris. Dominican influences were paramount in the establishment of the Schools of Toulouse: and the policy of the Order was to direct education, not to suppress it. They believed in reason, though in reason supplemented by force. John of Garland[2] has neatly expressed the attitude of the Dominican Inquisitor-doctor in the line:— CH. VIII, § 4.

'Pravos extirpat et doctor et ignis et ensis.'

I have dwelt on the constitutional importance of the foundation of Toulouse by Papal Bull. The issue of a formal Bull of erection was, however, a mere after-thought. Originally the Schools set up in Toulouse by the Papal Legate differed in no respect from the Schools established by voluntary migrations from the old Studia Generalia at Padua or Vercelli, at Orleans or Cambridge, except in the fact that their teachers were salaried. At first the Schools were no doubt more or less filled by some of the voluntary exiles from Paris: but, as soon as the troubles at Paris were at an end, the old University naturally asserted its superior prestige: and then difficulties of a different kind arose at Toulouse. The Count would not pay the stipulated salaries: the Capitouls or Consuls of Toulouse, in spite of the Crusade, retained sufficient spirit to offer a scarcely veiled resistance to the wholesale burnings of the Dominican Inquisitors; and the University, in which the Dominican Doctors occupied so prominent a position, was naturally involved in the dispute. The Studium gradually

Failure of the first foundation.

[1] 'Libros naturales, qui fuerant Parisiis prohibiti, potuerunt illic audire qui volunt naturæ sinum medullitus perscrutari.' It is not quite certain, as is assumed by M. Gatien-Arnoult, that the prohibition was still in force at Paris. See above, vol. I. p. 358. Though nothing had been said in the treaty about the teaching of Music, one of the attractions held forth is that 'organiste populares aures melliti gutturis organo demulcent.'

[2] *l. c.* p. 92.

Ch. VIII, § 4.

melted away[1]. The issue of a Charter bestowing on the Masters and scholars of Toulouse all the privileges enjoyed by their brethren of Paris, and artificially ensuring for the Toulouse promotions the prestige which had been gradually and spontaneously accorded to those of the great self-developed Studia Generalia, was one of the expedients adopted by the Pope to secure the success of his scheme for extinguishing the remains of the great spiritual rebellion which, though damped, was still smouldering in the capital of Languedoc. The Bull[2] conferring on the graduates of Toulouse the *jus ubique docendi*[3], the dispensation from residence, the right to have rents taxed by a joint board of clerks and laymen, the immunity from the secular Courts, and in general all the privileges enjoyed by the Masters of Paris was issued in 1233. At first, however, the expedient failed to produce the desired effect: for in 1235 the Consuls waxed bold enough to expel the most prominent Dominicans, and the salaries were still unpaid.

Papal Bull conferring *jus ubique docendi*, 1233.

Second Collapse.

Revival, 1239.

Excommunication at length reduced the Count to obedience. In 1236 the black terror was re-established, and the fires were rekindled in Toulouse. By 1239 we learn that the salaries had been duly paid: the opposition of the Consuls was suppressed[4]: and a further and more

[1] 'Florentis studii paulatim turba recedit;
Hæc ego qui scribo cuncta recedo prius.'
(Joh. de Garland. p. 105.)

[2] Fournier, I. No. 506. Yet from the first the Studium was to be a 'Studium solemne,' *i. e.* generale (Joh. de Garland. p. 92).

[3] 'Ut quicumque Magister ibi examinatus et approbatus fuerit in qualibet facultate, ubique sine alia examinacione regendi liberam habeat potestatem.'

[4] Pelissus, p. 31 *sq.*; Fournier, I. Nos. 510–516. The University was clearly in working order in 1243; since a College was founded in that year. See below, p. 168. We hear nothing of any salaries in later times, but it is clear that the ordinary chairs were limited in number. In 1441 we find a Doctor selling his place and 'auditorium' to a successor, whom he undertakes to present to the University for the appointment (Fournier, I. No. 821). In 1470 the Parlement of Toulouse declared that 'les recteur et docteurs régens de la dicte Université vendoient communément et ont vendu et délivré au plus offrant et dernier enchérisseur les chaires et régences des ditz facultés . . . et comme choses

ample Charter of Privilege conferring in detail all the liberties and privileges recently bestowed upon Paris was issued by Innocent IV in 1245[1]. By this Bull it was directed that the Scholasticus of the Cathedral, who from the first had no doubt presided over the promotions, should be called Chancellor.

Bull of 1245.

From the circular issued to the scholars of Christendom at the opening of the University it appears that all the Faculties were represented at Toulouse from its earliest days: Toulouse was one of the very few Universities wherein this was the case. In the Faculty of Theology, however, a peculiar sanctity still attached to the degrees of Paris: and the permission to create Doctors of Theology, though apparently involved in the terms of the Bulls granted by Gregory IX and Innocent IV, was rarely if ever acted upon. At all events in 1335 we find Benedict XII addressing a Bull to the Chancellor in which a recent graduation in Theology at Toulouse is treated as an unauthorized usurpation and the practice forbidden for the future[2]. In 1360, however, the University petitioned Innocent VI, himself an *alumnus* of Toulouse, for the express authorization of graduations in Theology. One of the grounds alleged in support of the petition is interesting to the English reader; it is noticed that in England, though a smaller country than France, there were two Studia Generalia in Theology[3]. Oxford and Cambridge had been, indeed, till very recently the only Universities in the world besides Paris that possessed Faculties of Theology with an unquestioned right of promotion. The earlier policy of the Popes had been to respect the Parisian monopoly. It was the Toulouse Pope, Innocent VI, who first infringed this monopoly by issuing a Bull authorizing the conferment of

Theological Faculty, 1360.

estans au commerce des hommes' (*ib.* No. 858), and forbade the practice.

[1] *Hist. de Lang.* VIII. c. 1184; Fournier, I. No. 523.

[2] *Chartul. Univ. Paris.* T. II. Nos. 993, 994; Fournier, III. Nos. 1902, 1903.

[3] 'In regno Anglie, quod modica insula respectu regni Francorum existit, duo sunt generalia studia in facultate predicta' (Fournier, I. No. 640).

CH. VIII, § 4.

Theological degrees at Toulouse in 1360[1]; and a regular Theological Faculty was henceforth organized: but Theology still continued practically in the hands of the regular Orders. Throughout the Schism Toulouse, the child of the Papacy, showed herself worthy of her parentage and justified her foundation by steady devotion to the Curialist cause and sturdy resistance to the Gallicanism of Paris and the other Universities[2]. The University was, however, mainly, like all the Universities of France, except Paris and the Medical School of Montpellier, a University of Law. As such it occupied in the South of France, especially after the decline of the Law Faculty of Montpellier in the middle of the thirteenth century, the position which was occupied by Orleans in the North. In Southern Europe generally it was for legal education—the indispensable qualification of the growing profession of secular lawyers as well as the safest road to preferment in the Church—that the demand was keenest. The institution of the Parlement of Languedoc in 1273[3] no doubt gave an impulse to the legal studies of the University and accounts for the prosperity which soon after this period began for the first time to attend the University. In many of the French Provincial capitals we shall find the establishment of a University looked upon as the natural sequel to the establishment of a Parlement. At this time Toulouse produced several Jurists of considerable political and historical and even some scientific importance, especially the three advocates whom Philip IV chose to plead his cause against the Bishop of Pamiers, that is to say, in reality against the Pope himself, at the Court of Boni-

Prominence of Law.

[1] *Hist. de Languedoc*, VII. *notes*, c. 551; Fournier, I. No. 641. This Bull makes it plain that there was a regular and organized teaching Faculty of Theology in the town already. Degrees in Theology were sometimes conferred at an earlier date by special Papal Bull (Fournier, I. Nos. 605, 606).

[2] Bulæus, IV. p. 755; V. 4 *sq.* 120 *sq.* Cf. Fournier, I. No. 760, *note*. See also an Art. by Astre in *Mém de l'Ac. des Sciences de T.*, 1869.

[3] Rodière, *Recueil*, IX. p. 253. The Roman Law prevailed in all dominions of the Counts of Toulouse. It may be more than a coincidence that Accursius taught in Toulouse in this very year (*ib.* p. 254).

face VIII—Pierre Flotte, Guillaume de Nogaret, Pierre de Belle-Perche[1]. The University, in spite of its Papal origin, gave in its adhesion to the King's appeal to a General Council[2]. It was the French Schools of Civil Law which formed the great Jurists and Judges to whose political theories and judicial activity the French Monarchy and the French State owed so much in their struggles against ecclesiastical domination: and among these Schools Toulouse was second in importance only perhaps to Orleans.

Constitution.

The constitution of Toulouse exhibits an attempt to combine some features of the Parisian constitution with the recognition in a very attenuated form of student-rights in the Jurist Faculty only: like the Solonian constitution approved by Aristotle, it allowed to the democratic element *τὴν ἀναγκαιοτάτην δύναμιν*. The General Congregation would appear to be composed of the students in Law and the Professors of all Faculties—including the *Lectores* in Theology (whether Doctors or not) and the Masters of Grammar[3]. The Rector must be a Master, but is elected by the students[4]: he is taken from each of the four Faculties in turn, and in practice is chosen by rotation in order of seniority. The students formally enact the Statutes, but their direct share in the govern-

[1] See Gatien-Arnoult, *Mém. de l'Ac. des Sci. de T.* 1881, p. 2 *sq.*

[2] Fournier, I. No. 537.

[3] The Statutes of 1311, 1313, and 1314 are given in *Histoire de Languedoc*, VII. *notes*, c. 447 *sq.*, c. 462 *sq.*, c. 478 *sq.*; and in Fournier, I. Nos. 543, 544, 545. Canon Law and Civil Law count as separate Faculties. Grammar is always treated as a distinct Faculty, though scholars of the Faculty were often children under ten. At the latter age they were required to swear obedience to the Rector. In 1311 there was evidently no regular Faculty of Medicine. 'Medici' seem contemplated in 1314.

[4] 'De concilio et assensu magistrorum in theologia, vel ipsis non existentibus, de concilio et assensu lectorum et doctorum, magistrorum et procuratorum, bacalariorum et scolarium vel majoris partis eorumdem' (Stat. of 1313, cap. 5). The exact effect of this Statute is doubtful, but the share of the students was probably meant to be nominal. It is not clear whether students of Logic and Grammar had votes—probably not. Nor do the Artists appear to have had any Congregations of their own. In 1480 the scholars appoint a Syndic to take legal proceedings against the Regents (Fournier, I. No. 860).

CH. VIII, § 4.

ment is an almost nominal one. The ordinary administration of the University is in the hands of a body composed of the Rector and the Consiliarii or (as they were sometimes styled) Proctors. The Consiliarii are chosen by the students, but four are to be Masters (one in each Faculty)[1]; two are Bachelors of Law and only two simple students in the last-named Faculty. To these elected Councillors one was added by the Bishop and one by the Chancellor, while the whole of the Lectores in Theology (whether Doctors or not) sat with them[2]. This body was known as the *Concilium Rectoris*.

Reform of 1313.

In 1313 this constitution was modified by the admission of the Doctors and Masters of all Faculties and of the Syndic. The nominated Councillors seem to disappear, but the Bachelors and the students retain their four Proctors. It is doubtful whether after this date the students were ever really assembled for any purpose except the election of Rector and Proctors. Certainly we find Statutes enacted by the Council without consulting the students and published in an Assembly to which, besides the Council, certain prelates and the Priors of the four principal Colleges were summoned: these give their adhesion to the Statutes, but there is no indication of the students as a body being invited to any effective kind of cooperation. While within the University the lion's share of influence[3]

[1] *i.e.* Canon Law, Civil Law, Logic, Grammar. There are some earlier traces of medical study at Toulouse, but the first document in which Masters of Medicine appear in the University Council is dated 1423 (Fournier, I. No. 796).

[2] The Statutes of 1314 are enacted by the Doctors 'de consilio et accensu et de voluntate etiam et assensu totius universitatis studii.' The Statutes of 1311 speak of *Consiliarii*, those of 1313 of *Procuratores*. The Doctors (without the Consiliarii) had, it appears, the power of making 'Ordinances' about Lectures and other small matters. In 1470 the Parlement ordered that the two Bachelor-councillors should be collegiate students, the other two non-collegiate, and should be elected by the Regents (Fournier, I. No. 858). It is quite probable that this had long been the actual practice.

[3] Fournier, I. Nos. 764, 765, 766. In No. 779 we find, however, a large body of Bachelors and scholars 'majorem et saniorem partem Universitatis predicte . . . facientes' professing to appoint syndics or legal representatives of the University.

decidedly belonged to the Masters, the legislative powers of the University were in the earlier days of the Studium much restricted by the large prerogatives still reserved to the Bishop, whose consent was required for all but the most trivial acts of Congregation [1], and later by the frequent interference of Papal Legates. The Chancellor, too, had more power than in most Universities which possessed a Rector. He presided over the Rectorial elections, received an oath of obedience from candidates for the Bachelor's degree, and conferred that degree himself. Though the elected Rector gradually gained in importance upon the Chancellor and became the working Head of the University, the latter retained to the last his right of precedence [2]. Jurisdiction over scholars was divided between the diocesan (or his Official), the Apostolical Conservator and the Seneschal of Toulouse, who as Royal Conservator, occupied much the same position as the Provost at Paris [3].

[1] Thus in 1311 the Licence of the Bishop is required for any acts of Congregation except the expenditure upon 'lights and other pious uses' of sums not exceeding lx *libra Turonenses*, while the 'interdictio' or 'cessation of Lectures,' except 'per modicum tempus,' is also reserved to him or to his official, though this restriction had disappeared before 1426. See Fournier, I. No. 800, *note*.

[2] In 1430, however, they were to march side by side where possible. As illustrating the position of the Chancellor, it is interesting to notice that it is stipulated that he shall be styled 'Cancellarius Tholosanus' or 'in ecclesia Tholosane,' never 'Universitatis Tholosane' (*Hist. de Lang.* VII. *notes*, c. 604; Fournier, I. No. 774).

[3] Fournier represents the Bishop as 'ceding part of his jurisdiction' to the Capitouls in 1269 (Nos. 526, 527); but he authorizes nothing but the arrest of scholars for immediate surrender to ecclesiastical custody. This power was usually exercised, even where the rights of the clergy were most respected, without special ecclesiastical approval. It involved no *jurisdiction* over clerks; till a man was arrested it could not be ascertained whether he was a clerk or not. Even the Canon Law did not require the lay authority to let a criminous clerk taken red-handed run away before their eyes. In 1292 Philippe le Bel had to restrain the Capitouls from imprisoning or torturing scholars or flinging them into the Garonne by night. Later there is no doubt about the episcopal jurisdiction over clerks, but there remained much dispute as to the justice of lay scholars which is claimed by the Pope for the Archbishop (Fournier, I. Nos. 561, 563 *sq.*; Denifle, *Les Univ. franç.* p. 63). It will be noted that the Scholasticus or Chancellor had no jurisdiction in the strict sense.

CH. VIII, § 4. Numbers.

A Roll presented to Clement VII in 1378 enables us to furnish a tolerable estimate of the numbers of the Studium. It contains, of course, only the names of ecclesiastics, but here these would probably be a large majority. As the mere Grammarians are included, whose title to preferment cannot have been great even if we suppose the youngest boys to be excluded, we may take it that the list includes at least the whole body of students who were prepared to take orders if a benefice could be secured. The list contains the names of five Regent Doctors of Theology (all Regulars), six of Canon Law, one of Civil Law, one of Arts and two of Grammar, five Non-regent Doctors, 29 Licentiates of various Faculties, 154 Bachelors of Decrees, 62 Bachelors of Civil Law, 40 Scholars of Decrees, 130 Scholars of Civil Law, 47 Bachelors of Arts, 246 Scholars of Arts, and 295 Grammarians. The total number of Licentiates, Bachelors, and Scholars was 1,384[1]. In the year 1335 a contemporary chronicler speaks of 3,000 students[2]. By putting the two statements together it is made tolerably clear that the total number of students in the fourteenth century cannot have fallen far short of 1,500 and (allowing for the usual medieval exaggeration) cannot have much exceeded 2,000[3].

Colleges.

In the early days of the University we find Innocent IV giving general directions that poor scholars should be received into the Hospitals for poor folk in the outskirts of the City[4]. Toulouse afterwards became peculiarly rich in Colleges, some of them of considerable size and endowment. The first, named after its Founder, Vidal Gautier of Toulouse, dates from 1243[5]. The Cistercians of Grandselve established a College for their Order in 1286[6]. The

[1] Fournier, I. No. 697.

[2] *Ib.* I. No. 575.

[3] As Molinier and M. Fournier seem puzzled by the expression *Bancarii* or *Banquarii* in the Toulouse Statutes, it may be well to explain that they are evidently the private Bedels of the Doctors, probably so-called from their looking after the benches (*banchi*) of the Schools.

[4] *Hist. de Languedoc*, VIII. c. 1188; Fournier, I. No. 520.

[5] *Hist. de Languedoc*, VIII. c. 1110; Fournier, I. No. 517.

[6] Fournier, I. No. 529.

Collége de Verdale for two Chaplains and ten scholars was founded in 1337 by Arnaud de Verdale, a Doctor of both Laws, and afterwards Bishop of Maguelone [1]. In 1358 the Toulouse Pope, Innocent VI, richly endowed and privileged the College of S. Martial which provided for ten Civilians, ten Canonists, and four Chaplains [2]. The other Colleges founded before 1500 were: (1) The Collége de Bolbonne (for monks of the Abbey of that name), 1286–1290; (2) the Collége de Montlezun, founded by the brothers Bertrand and Peter Montlezun in 1319; (3) the Collége Bérenger, before 1341, by a citizen of that name; (5) the Collége de Narbonne, in 1341, by Galbert, Archbishop of Arles; (5) the Collége de Périgord or de S. Front, founded by Cardinal Talleyrand de Périgord about the year 1360; (6) the Collége de Maguelone, founded by the will of Audouin Aubert, Cardinal Bishop of Ostia in 1363 (for Arts); (7) the Collége de S. Raymond, before 1373, probably much earlier; (8) the Collége de Ste Catherine de Pampeluna, by Pierre de Montirac, Cardinal of Pampeluna about 1378; (9) the Collége de Mirepoix, by a Bishop of that See, in 1415; (10) the Collége de Foix in 1440 by the Cardinal de Foix [3]. These Colleges were of an even more distinctly ecclesiastical type than those of Paris. Most of them were under the

[1] Fournier, I. Nos. 593, 597.

[2] *Ib.* Nos. 613–622, 624–639, &c.

[3] The names and dates are collected from the documents in Fournier. Besides these, there were many Hospitals and Churches which maintained Scholars (Fournier, I. No. 640). A College 'de l'Estude' is mentioned in 1406 (Fournier, III. No. 1913). For indications of College teaching, see a document of 1486 (*ib.* I. No. 866). Most of these Colleges lasted till the Revolution. Part of the Collége de Foix now forms the Convent of the Compassion; a description and picture may be seen in *Mém. de l'Acad. de T.* for 1885. The Collége de Périgord is now the Diocesan Seminary (*ib.* 1886). There is no reason with Fournier (I. No. 530) to assume that there was a 'Collége de Moissac' because certain monks were sent from that Abbey to study at Toulouse. There is no actual documentary evidence of a 'Collége de Bolbonne,' though Fournier (*ib.* No. 531) says there is no doubt of its existence. The Collége Bérenger (*ib.* No. 594) was very probably founded by one of the Capitouls condemned for the affair of Aimery Bérenger in 1331. See below, chap. xiv. One of the Capitouls bore the same name as the victim.

CH. VIII, § 5.

government not of a single head but of two Chaplains. At the College of S. Martial, where there were four Chaplains, two of them served as 'Priors' in alternate years. It is interesting to notice, however, that the dual control was not a success and was abandoned at this College in 1380[1]. A similar change is shown in all later College Statutes at Toulouse. The Colleges of Toulouse seem to have been peculiarly well endowed, and we hear complaints that their Bursaries were enjoyed by rich and well-beneficed persons[2]. As an interesting anticipation of a later mode of scholastic encouragement, it may be noticed that the town of Albi frequently made grants to enable poor students to study at Toulouse[3].

§ 5. AVIGNON (1303).

The chief special authority is LAVAL, *Cartulaire de l'Université d'Avignon*, Avignon, 1884; but this small collection of documents is largely supplemented by Fournier. Laval has also written an *Histoire de la Faculté de Médecine d'Avignon*, Avignon, 1884, which is chiefly on the post-medieval period. There is also a slight dissertation by ÉCOIFFIER, *Recherches historiques sur la Faculté de Médecine d'Avignon*, Montpellier, 1877. To these may be added BARDINET'S academic dissertation, *Universitatis Avenionensis historica adumbratio*, Lemov., 1880, and FOURNIER, *Une corporation d'étudiants à Avignon en* 1441 (*Nouvelle Rev. hist. de droit. franç.*, 1887).

An ancient School of Law.

A School of Law existed at Avignon before its erection into a Studium Generale[4]. There were apparently

[1] Fournier, I. Nos. 617, 700. There was, from the first, a proviso that the College may elect others as Priors. At the Colleges of Verdale and Narbonne the two Chaplains are perpetual 'gubernatores' or 'provisores' (*ib.* Nos. 593, 595).

[2] An elaborate account of the revenues of these Colleges is given in the pleadings of the City of Toulouse against their claims to exemption from contributions in respect of their houses and estates, the repair of the walls and other civil purposes in *circa* 1406. It is alleged that they are often filled by 'plusieurs hommes grandement bénefficiés qui des revenues de leurs bénéffices, et les autres des biens de leurs parens et amys, se pourroyent bien soutenir et nourrir oudit estude' (Fournier, III. No. 1913, p. 588). It is also alleged that 'les escolliers desdiz collèges, quant il leur plaist, se marient et sont gens lais.'

[3] Jolibois, *Inventaire des Archives municipales d'Albi*, Pref. p. 53 (cited by Fournier, *Hist.* III. p. 276).

[4] Fournier (*Hist.* III. p. 572; *Statuts*, II. No. 1236) mentions the

Doctors of Law teaching here in 1263[1]. In 1298 Charles II, King of Naples and Count of Provence, issued an edict taking the scholars of Avignon under his special protection, and ordaining that in future 'the students and readers as well in Decrees as in Laws shall be declared and licensed' by the Prince's Chancellor of Provence or his deputies[2]. It is difficult to decide from this somewhat ambiguous document whether it was proposed that graduations in Law should take place by virtue of it alone and without any further Papal or Imperial authority. If such was his intention, he was no doubt imitating the constitution of his predecessor's University of Naples, which was likewise under the government of the Royal Chancellor[3]. But at all events there is no claim to the *jus ubique docendi*, and no evidence that any promotions ever actually took place. It is, however, clear that a 'University of Doctors and scholars' was organized before the year 1302[4], when the same Count confers further privileges upon the University, and in particular accedes to their request to be allowed to elect a 'Merchant' (or banker) from whom they might borrow money in spite of a recent edict against usury[5]. We know, however, little or nothing as to the organization of the Studium until its erection into a Studium Generale by

Bull of Boniface VIII, 1303.

provision made in 1227 by the Cardinal Legate Romanus for the teaching of Theology at Avignon (as at Toulouse, above, p. 159), and the support of twelve poor scholars, but nothing may have been done in the execution of this provision: there is no trace of a Studium Generale, nor did it have any influence upon the eventual development of a University.

[1] Fournier, II. No. 1239.

[2] Fournier, II. No. 1241. This document was unknown to Denifle. A document of 1297 (*ib.* No. 1240) shows almost certainly that there was no University in the place—at least no Medical Faculty—since the examination of Medici was entrusted to the 'Officiales civitatis.'

[3] See above, p. 24.

[4] When Fournier (*Hist.* III. p. 577, 603) objects to Denifle treating Avignon as a University founded by Papal Bull, he seems to forget that a Universitas does not necessarily make a Studium Generale. There is no evidence that the Studium at Avignon was regarded as, or even pretended to be, general before the Bull.

[5] 'Universitas hominum civitatis Avenionensis, cetusque doctorum studii venerabilis ibidem . . . ostenso quod doctoribus et scholaribus, ipsis presertim exteris et remotis ibi studentibus . . . inedia et defectus frequenter emergunt . . . suppliciter postulaverunt.' Fournier, II. No. 1242.

CH. VIII, § 5. Constitution.

a Bull of Boniface VIII [1] in 1303, with a Charter of Privilege from the Count [2].

As in all the older Universities of this group, the authority of the Bishop over the Studium was originally supreme. Under the Bishop, the Doctors possessed the chief power. The first Statutes were issued by Bishop Bertrand Aymin in 1303 [3] 'by the advice and assent of the Doctors'; and by these Statutes the Doctors were authorized annually to elect a Primicerius [4] as the immediate Head of the University, whose office, though less important, was closely parallel to the Chancellorship of the Montpellier University of Medicine. The title was no doubt borrowed from that of an official who in some Cathedrals discharged the functions of a Chancellor. The Bishop reserved to himself the conferment of the Licence, and at first the appointment of the Ordinary Doctors, who formed a College which practically monopolized the government of the Studium. Eventually, however, this body seems to have co-opted its own members [5]. The University long remained almost exclusively a University of Law. The

[1] *Cartulaire*, p. 1; Fournier, II. No. 1244.

[2] *Cartulaire*, p. 9; Fournier, II. No. 1243.

[3] Fournier, II. No. 1245.

[4] The title, which appears as a University Office only here, and (later) at Aix and at Valence, is a very ancient one. We hear of a 'Primicerius Scholæ Forensium Civitatis Ravennatis' (Marini, *Papiri*, No. 110). There is a title in the Decretals of Gregory IX (lib. I. lit. xxv. c. 1), *de officio Primicerii*, from which it appears that in some Churches the Primicerius performed the duties of Chancellor or *Magister Scolarum*: while the Primicerius of the *Scola Cantorum* at Rome appears in a deed of 949, printed in *Il regesto Sublacense* (ed. Allodi and Levi, Roma, 1885), docs. 112, 113, and in a Decretal of Alexander III (Sarti, I. pt. I. p. xvii).

[5] The claim is made in the Statutes framed by the Primicerius and College in 1376 (Fournier, II. No. 1256). In 1439 the Bishop is expressly styled Chancellor (*ib.* No. 1326). It is clearly a mistake to say (writes Fournier) that 'La remise des *insignia doctoralia* . . . les faisait docteurs et membres du *collegium doctorum*' (*Hist.* III. p. 613). This may have been so at first when the College was open to all resident Doctors, but when it became (if it was not always) a close corporation, there must have been Doctors outside it, and the tradition of *insignia* was here as elsewhere part of the ceremony of taking the Doctor's degree. See the Doctoral diplomas in Fournier, *passim*.

Statutes of 1303 mention Doctors of Medicine and Arts, though it is very doubtful whether the first of these Faculties had any substantive and continuous existence[1] till the time of Innocent VIII, and the Faculty of Arts probably existed chiefly in the form of Grammar-schools. A Faculty of Theology was created by John XXIII in 1413.

Student-right movements.

As at Angers and Orleans in the second half of the fourteenth century the students of Avignon are found in rebellion and asserting their right to elect a Rector and to participate in the government of the Studium, like their more favoured brethren south of the Alps. But at Avignon, where ecclesiastical influence was supreme[2], the democratic movement met with a very different fate. Urban V in 1367 and Gregory XI in 1376[3] issued Bulls against these rebellious students who wanted to have a Rector, in which they uncompromisingly maintained the rights of the Primicerius and the Doctors. In 1393 the students are again in rebellion, and bind themselves by an oath not to go to the Schools of the reigning Doctoral oligarchy until their demands are granted. Again, it would seem, the rebellion was crushed,

[1] We hear of Doctors of Medicine in 1371 and of Artists in the Roll of 1394: but in 1458 the University petitions the Pope for a Faculty of Medicine and Arts (Fournier, II. Nos. 1254, 1270, 1357). For the result, see below, p. 175; but in 1491 we again hear 'quod nulli erant regentes in medicina' (Laval, *Fac. de Méd.* p. 29). In this year the Faculty made a real beginning. Its previous failure was perhaps due to the large number of Jewish practitioners in the place (*ib.* p. 8).

[2] It is instructive to contrast the fate of the Student-movement at Avignon with that of the similar movement at Angers. The triumph of the students was there secured by the lay Judges of the Parlement, themselves very probably educated in Law-Universities: the Scholasticus did his best to get the case transferred to the ecclesiastical Courts. Rangeard, I. 379; above, p. 154.

[3] *Cartulaire*, pp. 18, 24; Fournier, II. Nos. 1249, 1257. The first Bull recites: 'Cum ... inter dilectos filios doctores et scolares studii Avinionensis ex eo questio sit exorta quod doctores per unum ex eis primicerium appellatum, secundum antiquam consuetudinem dicti studii, scolares vero prefati per unum ex ipsis appellandum rectorem et per ipsos eligendum, sicut fit in nonnullis aliis studiis, asserunt debere regi studium prelibatum; nos ... mandamus quathenus antiquam consuetudinem dicti studii super hoc facias inviolabiliter observari.' The old constitution is still upheld in the Statutes issued by the Bishop with the consent of the Doctors in 1407. Fournier, II. No. 1279.

CH. VIII, § 5.

Settlement of 1459.

since we find two Cardinal Legates dispensing the scholars from the obligation of their contumacious oath[1]. It was not till 1459 that the students at last obtained from Pius II some scant recognition of what were everywhere else in Southern Europe regarded as the natural and indefeasible rights of the Civilians and Canonists. And then the partial success of the students (if such it was) would seem to have been largely due to the *hauteur* with which the proud Doctors of Law had given the cold shoulder not only to the Doctors of the inferior Faculties of Medicine and Art but even to their rightful superiors, the Doctors of Theology. The Pontiff had heard with indignation that 'lay polygamous Jurists' had presumed to take precedence of Masters of Theology, and to monopolize for themselves and their Primicerius the whole authority in the University. These pretensions are peremptorily rejected. It is declared that all the four Faculties shall form a single University. The office of Primicerius is abolished and the University placed under the immediate headship of the Bishop as Chancellor. Under the Bishop there is to be a Rector elected by the Council of the University, to which all academical power—except the elective vote—is to be entrusted. The Rector is himself to be at least a Master of Arts or a Bachelor in any other Faculty and is to be chosen from the Faculties in rotation. The Council consists of all the Regents, together with representatives of each Faculty, of whom one is to be a Non-regent Doctor, one a Licentiate, one a Bachelor, and two 'nobles or other scholars.' The constitution was thus a somewhat less democratic reproduction of that of Orleans or Angers, the Faculties being here moreover substituted for the Nations. The number of Regents who were apparently to be salaried is henceforth fixed at fourteen—five

[1] *Cartulaire*, p. 32; Fournier II. No. 1268. It is amusing to notice that the oath included the obligation 'minime per vos vel alium directe vel indirecte relaxationem, vel super illis dispensationem, vel absolutionem peteretis.' But alas! it was as easy to get dispensed from the anti-dispensation clause as from any other.

in Theology (at least four of them Mendicants), two in Decrees, three in Decretals, three in Civil Law, two in Medicine, and four in Arts[1]. It is, however, extremely doubtful whether this Bull ever obtained any real execution at Avignon. Long after its date, we still hear of the Primicerius. It seems probable that the constitution of the University remained entirely unaltered[2]. CH. VIII, § 5.

In spite of the want of student-liberties, and (what is perhaps more remarkable) in spite of the absence of Salaria[3], the University of Avignon became a very prosperous Studium towards the end of the fourteenth century, after it had recovered from the desolation wrought in Avignon by the plague of 1361[4]. In the days of the Avignon Papacy the students of Avignon naturally had advantages in connexion with their benefice-roll which were not enjoyed by students of more distant Universities; and it is not surprising to find that Avignon was particularly popular with aristocratic students. A benefice-roll of 1394 contains the names of eighteen Doctors of one or both Laws, forty nobles, fifty-three Licentiates and 359 Bachelors of Law, 467 Students in Law, and 127 Artists and Grammarians[5]. At this time the Professors were entirely supported by their fees, which their supremacy in the academic constitution enabled them to fix at a somewhat high rate. Fluctuations of prosperity.

After the removal of the Papal Court from Avignon the University gradually declined. In 1478 we are told that the Studium had been emptied by the refusal of the Doctors to lecture without salaries, which the City declined to give. Its continued existence and even some revival of prosperity were, however, secured partly by a succession of munificent College-builders and still more by the Papal patronage which the connexion of Avignon with the See Removal of Papal Court.

[1] *Cartulaire*, pp. 91-103; Fournier, II. No. 1362. (The total is given as 18.)

[2] See *Cartulaire*, pp. 105, 109, 141, and Fournier (*Hist.* III. p. 593, *note*), who cites the *Liber Computorum Universitatis* for 1463 relating to payments for the mission to Rome 'tempore quo agebatur de suppressione primiceriatus officii dicte U. et nova creatione rectoris in eadem.'

[3] Fournier, III. No. 1950.

[4] Denifle, I. p. 361; Fournier, II. No. 1248.

[5] Fournier, II. No. 1270.

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of S. Peter enabled it to secure. Its greatest patron was the Cardinal Giuliano della Rovere, nephew of Sixtus IV, and afterwards Pope as Julius II, who became Bishop of Avignon in 1474, in the following year Archbishop of the same See, and in 1476 Papal Legate[1]. Through his influence Sixtus IV was induced to bestow, in addition to a peculiarly bounteous shower of privileges, an annual grant of 600 ducats for the payment of eight Doctors of Law. The payment was at first, in 1475, charged upon the Papal taxes and court-dues of the City[2]. Shortly afterwards, however, a new and very curious expedient was adopted. The Pope annexed to the University certain secular Courts in the surrounding district, and authorized it to appoint the judges and appropriate to itself the resultant fees and fines[3]. Sixtus IV also bestowed upon the Collége du Roure the Papal Library at Avignon[4].

Patronage of Sixtus IV.

Jurisdiction.

The jurisdiction over scholars was, it would appear, less wholly reserved to the ecclesiastical Courts than might have been expected in so ecclesiastical a City. The clerical scholars at least must of course have been subject to the Bishop's Court in criminal and personal suits: but we find no special exemption in favour of scholars as such from the tribunals of the City Magistrates. Conservators Apostolic were not appointed till 1413[5].

Colleges.

In 1379 a College of S. Martial (or rather a College-

[1] Fournier, No. III. 1950. In this year the City resolved to invite extraneous Doctors to lecture without salary.

[2] *Cartulaire*, p. 109; Fournier, II. No. 1366.

[3] *Cartulaire*, p. 119; Fournier, II. No. 1378. From the frequent confirmations, it is clear that the measure encountered opposition.

[4] Fournier, II. No. 1383.

[5] Fournier, II. Nos. 1281, 1283, 1289 (*Cartulaire*, p. 50); *Hist.* III. p. 641. Fournier speaks of a Bull of 1289 as creating a special Vice-Gerent with 'pleine compétence pour les causes des membres du *Studium*.' As this document is not printed *in extenso*, I am unable to say whether this interpretation is correct, but he is certainly wrong in supposing (as he seems to do) that the *Conservatorium* of 1413 conveyed a general jurisdiction over students. The Conservators Apostolic, here as at Paris (above, vol. I. pp. 343, 412) and elsewhere, only punished breaches of University privilege and heard causes which but for the *jus non trahi extra* would be heard at a distance from the place.

Monastery for twelve choir-brethren and twelve students) was founded for monks of Cluny[1]; the College of Annecy by Cardinal de Brogny in 1425–30[2]; the College of S. Michel by Jean Isnard, Doctor of Laws, in 1453[3]. In 1471 the Orphanage of Jujon was made into a College—known as the College of Jujon or Dijon—for the Abbey of Montmajour[4]. In 1476 the College of St. Pierre or du Roure was founded for thirty-six students in Law by the Cardinal Giuliano della Rovere, Archbishop of Avignon, already mentioned as a great patron and restorer of the University[5]; in 1491–4 the College of Notre-Dame de la Pitié[6] by the Dominican Barthélemy de Riquetis, Doctor of Theology, (—this was really two distinct Colleges, one for twelve secular Priests, the other for twenty-four Dominican novices); in 1496 the College of Senanque or S. Bernard by Jean Cazaleti, Abbot of Senanque, for Cistercian monks[7]; and in 1500 the College de la Croix by Doctor Guillaume Ricci. CH. VIII, § 5.

The Confraternity of S. Sebastian.

But perhaps the most interesting institution connected with this University remains to be mentioned. The Statutes of many Universities contain allusions to Student-clubs or Societies of various kinds for the purpose of electing a Captain or Abbot or Chancellor of their own. Wherever the Masters were in power these confederations, whether permanent or temporary, were put down with a strong hand. In other cases, as we have seen, the University was itself a Student-club or embraced within it national organizations composed of Students. Avignon is the only instance in which we have before us the Statutes of a Student-club which was recognized as a lawful Society by the authorities, but yet formed no part of the official organization of the University. It would seem that the students, baulked in their efforts to elect a Rector and get the government of the Studium into their own hands

[1] Fournier, II. Nos. 1260–1264.
[2] *Ib.* II. No. 1295 *sq.*
[3] *Ib.* II. Nos. 1349, 1351, 1354, 1355.
[4] *Ib.* II. Nos. 1364, 1365.
[5] *Ib.* II. Nos. 1368, 1372, *n.*
[6] *Ib.* II. No. 1399.
[7] *Ib.* II. No. 1409.

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like the students of other Law Universities, had formed an independent Society of their own which eventually secured for itself a certain legal authority and privilege. In 1441 over 200 students of Avignon (probably at this time the whole body of Law-students or nearly so) formed themselves into a Guild or Confraternity of S. Sebastian for the promotion of exactly the same religious and social ends which were aimed at by other Confraternities—the peaceable adjustment of quarrels, the promotion of mutual harmony and good fellowship, the celebration of a weekly mass, the care of sick members and the performance of funeral rites. The Confraternity was governed by a Prior and twelve Councillors. Membership of the guild was nominally a matter of voluntary consent, though the Statutes provide for practical compulsion in the shape of organized bullying or 'boycotting': the well-known workman's device of hiding an offending comrade's tools here assumed the form of 'subtracting' his books. It is curious to find Popes and Legates giving their solemn sanction to a Society which enforced its decrees by acts of private robbery. Though never forming part of the University organization, the Prior and Council were treated by the University authorities as the recognized representatives of the students. As such we find them negotiating on equal terms with the Primicerius and Doctors, while their Prior receives Papal privileges and acts as Visitor of an important College[1].

Confraternity of Doctors.

There was another and very similar institution at Avignon to which it would be difficult to find an exact parallel in any other University—a Guild or 'Confraternity' of Doctors to which all new Doctors were required to belong, though it appears it might also be joined by scholars, and its benefits, if not its membership, extended also to the Doctors' wives. As to what those benefits were we have

[1] See the Statute and other documents in Fournier, *Une corp. d'étudiants &c.*, and now reprinted in his *Statuts*, II. Nos. 1332, 1344, 1345, 1363, 1380, 1382, 1411. As to the somewhat similar but less formal Society, in the College of Annecy, see below, chap. xiv.

no information except that they included the attendance of the officers of the Confraternity with torches at their funerals [1].

§ 6. CAHORS (1332).

CRUCIUS (La Croix), *Acta et series episcoporum Cadurcensium*, Cadurci, 1617. *Statuta Academiæ Cadurcensis*, Tolosæ (no date). BAUDEL, *Discours prononcé à la distribution des prix du Lycée de Cahors* (no date or place); and *Notice historique sur l'Université de Cahors*, Cahors, 1876. BAUDEL ET MALINOWSKI, *Histoire de l'Université de Cahors*, Cahors, 1876. The last is the only important work and reprints the Statutes, but as a collection of documents it is superseded by Fournier. Cf. LACOSTE, *Hist. Gén. de la Province de Quercy*, Cahors, 1833–5.

Foundation, 1332.

The University of Cahors was erected on the basis of an old Cathedral School, where Licences had from an early period been granted more or less after the manner of regular graduations, though without the *jus ubique docendi*, by the Scholasticus of the Cathedral [2]. The Bull of foundation was granted by John XXII, who was a native of Cahors, in 1332, on the petition of the Consuls of the City [3]. Among other Bulls afterwards conferred by the same Pontiff was

[1] 'Tenebuntur dicti bajuli cum brandonis dicte confratrie associare funus ipsius defuncti ad ecclesiasticam sepulturam.' Fournier, II. No. 1342 (c. 1450–1480).

[2] 'Quodque, sicut accepimus dilectus filius Petrus Andree qui nunc est scholasticus ipsius Ecclesie Caturcensis et ejus predecessores scholastici ejusdem Ecclesie qui fuerunt pro tempore consueverunt hactenus in Civitate Caturcensi scolas conferre, et ibi legere volentibus legendi licentiam impartiri, Bidellos creare,' &c. (Fournier, II. No. 1424). This Bull, like its Parisian prototype, gave the power of imprisoning scholars to the Bishop only, but appears to recognize the Chancellor's spiritual jurisdiction.

[3] Fournier, II. No. 1422. A later Bull (*ib.* No. 1424) declares the *Scholastria* to be henceforth a *Cancellaria*. It is instructive to notice that, though the original Bull of foundation does not expressly confer the *jus ubique docendi*, this later Bull assumes that the Chancellor already possesses the power of conferring it since the Studium had become 'general.' Another Bull of the same year, however (No. 1425), excepts Paris from the *jus ubique docendi*. The Scholasticus was, it would appear, styled *Capiscol* (Baudel, *Discours*, p. 3). In 1368 Edward the Black Prince, as Duke of Aquitaine, confirmed the Privileges of this University, including the *jus non trahi extra* (Fournier, II. No. 1433), and made his Seneschal Conservator.

CH. VIII, § 6.

an almost verbal reproduction of the celebrated *Parens Scientiarum* of Paris[1]. The constitution given to the University was that of the neighbouring University of Toulouse[2]. Professorial chairs or *Regentiæ* were filled up at first by the Chancellor alone, afterwards by the Chancellor, Rector, and Regents[3].

Fluctuations.

A benefice-roll of 1343 contains the names of twelve Professors in all Faculties[4]; but by 1371 the founder of a College for 'Grammar and Logic' at Cahors speaks of the Studium as 'attenuated and, as it were, annihilated on account of the wars prevailing in those parts[5].' In the preceding year the Duke of Anjou had assigned a small pension for the maintenance of four Doctors of Law and two of Arts for eight years, but this does not seem to have been continued[6]. A benefice-roll of 1378 contains fifty-eight names: in 1380 there are only twenty-seven, in 1394 ninety-eight[7]. Another attempt to resuscitate the collapsed Studium was made in 1452 by Charles VII[8], but the University seems to have been chiefly kept alive by means of its three Colleges. These were:—the Colléges (1) de Pélegry (1358), founded by Raymond de Pélegry, Canon of London and Dean of a Collegiate Church in the diocese of Cahors[9]; (2) de Rodez, for Logic and Grammar and afterwards Law (1371), by Bernard de Rodez, Archbishop of Naples[10]; (3) de S. Michel (1473) by Jean Rubey, Archdeacon of Tornes[11].

Colleges.

[1] See above, vol. i. p. 339.

[2] 'Item quod pecunia que de collectis faciendis pro negotiis universitatis et pro banchiis, vel aliis, nomine universitatis . . . deponatur penes aliquem bonum virum per Rectorem et Cancellarium ac consiliarios studii eligendum.' Fournier, II. No. 1425.

[3] Fournier, II. No. 1428; *Statuta*, p. 24.

[4] Fournier, II. No. 1429.

[5] *Ib.* No. 1441.

[6] *Ib.* No. 1437 *sq.*

[7] *Ib.* Nos. 1443, 1445, 1450.

[8] Denifle, I. p. 364.

[9] Fournier, II. Nos. 1430, 1447. Cahors formed part of the Duchy of Aquitaine, and was then in English hands. The foundation was extended by Hugh de Pélegry, Treasurer of Lichfield, and Papal Collector in England (*ib.* Nos. 1431, 1444; Denifle, *Les Univ. franç.* p. 89). Among the executors of the first Founder's will are the 'burgenses Londonenses.'

[10] Fournier, II. Nos. 1441, 1461.

[11] *Ib.* No. 1473.

§ 7. GRÉNOBLE (1339).

VALBONNAIS, *Hist. du Dauphiné* (T. II. Genève, 1721), prints some documents. Cf. NADAL, *Hist. de l'Un. de Valence*, p. 64 *sq.* Fournier adds a few documents. BERRIAT-SAINT-PRIX, *Hist. de l'ancienne Université de Grénoble* (*Revue du Dauphiné*, T. V. Grénoble, 1839).

Foundation, 1339.

The University of Grénoble was founded by a Bull of Benedict XII, granted at the request of Humbert II, Count of the Viennois, in 1339 for all Faculties except Theology[1]; a separate Bull granted later in the same year gave the right of promotion to the Bishop with the *jus ubique docendi*[2]. Grénoble was badly placed for the seat of a University, since Dauphiné lay in the debatable territory between the Empire and the French Monarchy. There is just enough evidence to show that the Studium actually came into existence[3]; but it was never prosperous, and had clearly disappeared before the foundation of Valence in 1452[4]. It was restored in 1543[5] by Francis of Bourbon, Count of S. Pol, on the petition of the Town Council. In 1565, however, it was suppressed and incorporated with the University of Valence by an edict of Charles IX[6].

[1] Fournier, II. No. 1546. The Founder's Privilege of the same year is printed in Valbonnais, II. p. 412; Fournier, II. No. 1548. It contains a curious provision that *Martineti* (metal forges) shall be removed three leagues from Grenoble, 'cum sint vorrago nemorum et lignorum.' This was, of course, for the benefit of poor students in winter evenings.

[2] Fournier, II. No. 1549.

[3] Berriat-Saint-Prix, pp. 92, 93.

[4] See below, p. 201.

[5] Valbonnais, II. p. 413.

[6] In 1343 the University presented a most singular 'roll' to Clement VI. It is presented exclusively for one Master of Arts, so poor that 'lapides et morterium, ob sue vite sustentationem, in nostro opere deportavit.' While endeavouring to present his supplication to his Holiness he had been atrociously wounded by the Pope's satellites, and his petition pitched into the Rhone. Wanted: a benefice 'cum cura vel sine cura' in the diocese of Elne (Fournier, II. No. 1553). In 1545 the Dauphin salaries a Bachelor of Laws (*ib.* No. 1554).

CH. VIII, § 8.

§ 8. ORANGE (1365).

Institutio, privilegia, statuta &c. Universitatis civitatis Arausionis, Arausione, 1718. MILLET, *Notice sur l'Université d'Orange*, Avignon, 1878.

Origin of Studium.

A Studium of Law and Grammar existed at Orange from the second half of the thirteenth century. In 1268 we find an agreement between the Bishop and the two Princes of Orange, uncle and nephew, who both bore the name of Raymond de Baux. In this document the Bishop waives the objections which he had apparently raised to the setting up of a Studium by the secular power. Further regulations for its government are to be made by the Archbishop of Arles[1].

Foundation, 1365.

In 1365 the School obtained a highly peculiar and exceptional Privilege from Pope Urban V[2]. This Bull recognized the Studium, and ordained that study at Orange should entitle students to take degrees in other Universities but not at Orange itself. The document is interesting as throwing light upon the true *differentia* of a Studium Generale, which has been sometimes mistakenly supposed to consist in the mere possession of Papal privileges. Orange became henceforth a privileged Studium Particulare: it was not a Studium Generale because it had no right of promotion or *jus ubique docendi*. But later in the very same year Orange found means of obtaining from another source full University privileges, which had been denied by the Pope. Orange belonged to the Kingdom of Arles and therefore to the Empire: and when in June, 1365, Charles IV came to Arles to be crowned, the Prince of Orange and the Syndic of the town obtained from him a Bull which recognizes the Studium as already existing, and confers upon it the privileges of a Studium Generale in all Faculties, though Theology is not specially named[3]. The Licence was to be conferred by the Provost of the Town

Jus ubique docendi, 1365.

[1] Fournier, II. No. 1541.
[2] *Ib.* No. 1542.
[3] *Institutio*, &c. p. 1; Fournier, II. No. 1543.

with the assistance (in the infancy of the Studium) of the Rector of the University. In the next year we hear of the University as having been totally extinguished by a Papal interdict but recently 'reformed by Papal favour [1]'—a statement not easy to interpret. The Bull of Charles IV was afterwards in 1379 confirmed by the Avignon Pope Clement VII [2].

Suppression, 1475.

After these two Bulls it is strange to find Sixtus IV in 1475 issuing a Bull against those who took degrees at 'Orange and other places where there was no Studium Generale.' Either the privileges conferred by the Bulls were considered to be dependent upon the *de facto* continuance of instruction of the Studium Generale type (which is in itself probable), or the Papal Chancery had received its information from a partial source. The Bull, it appears, was granted in favour of the rival University of Avignon [3]. An edict of Charles VIII in 1485 throws some light upon the state of things which had called for the Papal interposition. There was, it appears, a single Master, one Honorat Picquet, who really only taught Grammar, but called himself a Master of Arts. He was in the habit, it would appear, of constituting himself Rector of the University for the purpose of conferring degrees in all Faculties upon 'vagabond, ribald, unprofitable, and ignorant scholars' who had been refused degrees elsewhere [4]. At the request of the University of Montpellier the promotions at Orange were forbidden in future, but the University managed to escape absolute extinction. Its ignoble existence can just be traced into the eighteenth century. When the traveller Gölnitz visited Grénoble in the seventeenth century, there was a joke current in the place to the effect that the three persons who were necessary to constitute a College or Corporation were supplied at Orange by the Rector, the Secretary, and the Bedel [5].

Obscure survival.

[1] Denifle, *Les Univ. franç.* p 94.

[2] Fournier, II. No. 1545.

[3] Laval, *Cartulaire de l'Univ. d'Avignon*, p. 118; Fournier, II. No. 1367.

[4] Fournier, II. No. 1184.

[5] *Ulysses Belgico-Gallicus* (Lugd. Batav., 1655), p. 422.

CH. VIII, § 9.

§ 9. AIX (1409).

HENRICY, *Notice sur l'ancienne Université d'Aix.* Aix, 1826. CHAVERNAC, *Hist. de l'Université d'Aix*, Aix, 1889; a not uninteresting but very uncritical production. The Statutes (1420-1440) were first printed by BLACAS. *Almæ Aquarum Sextiarum Universitatis vetera et nova statuta, constitutiones et consuetudines*, Aquis-Sextiis, 1667. Cf. also PITTON, *Histoire de la Ville d'Aix*, Aix, 1666.

Possible connexion with the old Roman town-school.

Aix was the capital of Gallia Narbonensis secunda, the earliest home and the last refuge of Roman civilization in Gaul, styled by the elder Pliny 'another Rome in another Italy[1].' The old Roman Schools and the culture which they fostered lingered here as long as they lingered anywhere: and a somewhat degenerate Classicism certainly survived in Provence long after it was extinct in Italy itself. It is even barely possible that the Cathedral School of Aix, which attained some importance both before and after the eleventh-century revival of letters, may have originally had some connexion with the old Roman town-schools: such a conjecture might be supported by the very unusual circumstance that the Syndics of the town had a share in the appointment of the Scholasticus who presided over the Cathedral Schools[2]. The minute and circumstantial account given by Dr. Chavernac of the 'University' of Aix before the date of the Papal Bull is, however, so mixed up with historical delusions and so entirely unsupported by original authorities that it is almost impossible to extract from it any trustworthy facts as to the condition of the Schools here in the twelfth and thirteenth centuries. It appears to be made up by the aid of the convenient assumptions which we have seen to be responsible for so many pages of University history. The first of these is the assumption that every place where

[1] 'Ut Roma altera alterâ in Italiâ jure appellari mereretur.' *Hist. Nat.* LIV. 3. cap. 4.

[2] Chavernac, p. 32, calls him *Scholarius*, but if this form is found it must be only a parallel form of Scholasticus. Besides this official there was here a *Theologus* and a *Capiscol* or *Caput Chori* or *Scholæ* (Master of the School of Music); all these were provided with prebends.

Professors taught was a University; the second, that wherever a Doctor or Professor of Law is mentioned in a deed relating to a particular town, he must have graduated and taught in that town; the third that writers of the sixteenth and seventeenth century can be trusted when they apply the technicalities of the University system to the early state of Schools in which they are interested without producing contemporary evidence. It does seem, however, possible to disengage from this jumble of confused and uncritical erudition[1] the fact that at some time before 1303 the Jurist Jacques de Beauvoir, afterwards the Master of Bartolus, received at Aix the degree of Doctor in Civil Law from Peter of Ferrières, afterwards Archbishop of Arles[2], himself a distinguished Jurist.

A solitary case of Graduation, *c.* 1303.

So far it might seem that Aix has as good a right to be styled a Studium Generale as Orleans or Montpellier before the issue of the Papal Bulls conferring on them the *jus ubique docendi*. But the very words in which this solitary instance of graduation at Aix is recorded are sufficient to show the exceptional character of the occurrence. It was 'in the King's Court and in the King's presence' that Jacques de Beauvoir received the Doctorate. The King was probably Charles, King of Naples and Count of Provence. And one is tempted to conjecture that this graduation was an incident in the great struggle of the age between spiritual and temporal sovereignty—an attempt to place the secular power on a level with

But no Studium Generale.

[1] The writer still believes in the story of the discovery of the Pandects at Amalfi (p. 35). For his statement that a *Studium Generale* was established at Aix in 1196 by Alfonso I, Count of Provence, he gives no authority except De Haitze, *Hist. d'Aix*, T. I. p. 216 (which appears from Henricy to be in MS.), at the same time declaring that Paris was *called* a Studium Generale in the tenth and eleventh centuries!

[2] 'Ad preces reverendi patris et domini mei, D. Petri de Ferrariis, juris utriusque professoris . . . qui me doctoratus honore, in Aula Regis, civitatis Aquensis, ipsiusque præsentia, decorauit.' Jacobus de Bellovisu, *Aurea Practica Criminalis* (Coloniæ, 1580, pp. 1, 2). This must presumably have been before his elevation to the see of Noyon in 1302 (*Gall. Christ.*). He was Archbishop of Arles from 1303–1307. Pitton (p. 597) adds that Durandus (author of the *Rationale*, † 1296) took the degree of Doctor of Law at Aix, but without mentioning any authority.

CH. VIII, § 9.

the Papacy in the conferment of exceptional degrees. If the reference be too vague to warrant such an inference, the evidence is certainly insufficient to enable us to pronounce that Aix was ever regarded as a Studium Generale before the date of its Papal Bull [1]. At all events, by the fifteenth century, the claims of the place to that dignity had ceased to be sufficiently recognized to satisfy students, and measures were taken by the Ediles for procuring a Papal Bull. On their petition, Louis II, King of Jerusalem and Sicily, Count of Provence, who was also the founder of the Parlement at Aix, took advantage of his journey to Italy in 1409, on the crusade against Ladislaus of Naples, to urge the claims of his capital upon Alexander V, the newly elected Pope of the Council of Pisa [2]. An adherent of such importance as the Count of Provence, and zealous enough to tender his homage to the Pontiff in person, was not likely to make so innocent a petition in vain. The Bull now issued recognizes the fact that 'certain Masters in Theology' were actually teaching in Aix. It does not, however, recognize the existing Studium as an actual Studium Generale, but proceeds to create one for all Faculties with the privileges of Paris and Toulouse.

Bull of Alexander V, 1409.

Constitution.

The Count's Letters Patent were issued in 1413, after his return to Provence. They compelled all Provençal students to study at Aix only [3]. No Chancellor had been named in the Papal Bull. The then Archbishop was now made first Chancellor of the University for life: but it was provided that upon his death the Chancellor should henceforth be freely elected by the Rector, Masters, and Licentiates [4]—a very exceptional arrangement to which there is

[1] Chavernac declares that the 'anterior existence' of these Faculties is implied by the words of the Bull, 'Adjicimus quod dictum generale studium, in eadem civitate, in sacra theologia, necnon in canonico et civili jure et in quibuscunque licitis facultatibus hujusmodi vigeat' (*ib.* pp. 84, 85; Fournier, No. 1577). Dr. Chavernac appears to have an inadequate appreciation of the subjunctive mood. The Bull recognizes the existence of 'nonnulli magistri in sacra pagina atque plerique doctores et scholares in jure canonico et civili,' but creates the Studium Generale for the first time.

[2] Chavernac, pp. 81–84.

[3] Fournier. III. No. 1578.

[4] *Ib.* III. Nos. 1581, 1582.

no exact parallel in any other French University. The nearest approach to it is at Montpellier. The constitution, however, differed from that of the Medical University of Montpellier in having a Rector (sometimes styled Primicerius, as at Avignon) as well as a Chancellor; while at Montpellier, moreover, the Chancellor did not confer degrees. The Rector was to be a 'simple student,' who nevertheless possessed an apparently unlimited civil and criminal jurisdiction in all cases wherein one party was a Doctor or scholar of the University, subject to the provision that the defendant dissatisfied with the Rector's decision might demand the 'adjunction' of a *Doctor legens*[1]. The Consiliarii, elected annually by their predecessors, were eleven in number[2]; one was to be a Canon of Aix, two Theologians but not Doctors, one a representative of the medical Faculty (likewise not a Doctor), one a Master of Arts, and the others elected by the three Nations, which were styled (as at Montpellier) Burgundian, Provençal, Catalan[3]. The constitution was entirely that of a Student-university; the 'College of Doctors' have here no great authority except in the conferment of degrees[4].

§ 10. DOLE (1422).

LABBEY DE BILLY, *Histoire de l'Université du Comté de Bourgogne*, Paris [no date]. BEAUNE ET D'ARBAUMONT, *Les Universités de Franche-Comté, Gray, Dole, Besançon*, Dijon, 1870.

Abortive attempts.

As early as the year 1287, when it was the exception rather than the rule for a small principality to have a Uni-

[1] The clause runs as follows: 'nisi supplicaretur a dicti domini rectoris sententia, aut peteret adjunctum, videlicet unum doctorem legentem, prout infra, opponendo contra dictam sententiam iniquitatem aut nullitatem.' Fournier, III. No. 1582a.

[2] At the University Mass every Sunday blessed bread was distributed to all members of the University, the Councillors receiving extra portions, and the Rector twice as much as a Councillor.

[3] 'De regentibus scholas in civitate.' *Ib.*

[4] There seems to be a limited number of ordinary chairs, but leave to erect a new chair is vested with the Rector, not with the Doctors (*Ib.* § 52a).

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versity of its own, the idea of establishing a University of all Faculties in the County of Burgundy (Franche-Comté) was conceived by Count Otho IV. A charter erecting a Studium Generale at Gray was issued in that year[1]: and in 1291 a Bull was actually granted by Nicolas IV[2]; but we learn from the later foundation-bull of Dole that the University never actually came into being[3]. The wars in which the Count was engaged, the temporary annexation of Burgundy to the French Crown by the marriage of Otto's daughter Jeanne to the second son of Philip le Bel (afterwards Philip V of France), and the great fires which reduced the town of Gray to ashes three times in the course of the fourteenth century are quite sufficient to account for the non-realization of the project. When the academical aspirations of Franche-Comté were revived, the quieter Dole, the seat of the Count's Parlement, was preferred to the busy commercial town of Gray as the site of its University though the latter made strenuous efforts to obtain the coveted honour for itself[4].

Foundation in 1422.

A Bull for the erection of a University at Dole was granted by Martin V in 1422 on the petition of Philip the Good, Duke of Burgundy[5]. The Bull is expressed in a rather unusual form. It is addressed to the Archbishop of Besançon, and authorizes him, if the 'said place is more apt and fit than the place of Gray in the said diocese,' in which a University was formerly erected, to establish a Studium Generale at Dole, and to confer upon it the privileges of other Universities. The Studium is declared to be for all Faculties, but the right of promotion is limited by the exclusion of Theology. The Archbishop is

[1] Beaune et d'Arbaumont, pp. 1, 2; Fournier, II. Nos. 1567, 1568.

[2] Fournier, I. No. 1566.

[3] 'Locus de Grayaco dicte diocesis in quo olim felicis recordationis Nicolaus, papa quartus, predecessor noster, per suas litteras studium generale nondum tamen inibi inceptum vigere et esse concessit.' Bull for Dole ap. Beaune, pp. xiii, 3. The Bull is also printed by Denifle, *Archiv f. Kirchengesch.* IV. p. 248; and now by Fournier, III. No. 1611.

[4] Beaune, pp. xx, xxi, 14.

[5] Beaune, p. 3; Fournier, III. No. 1611. A Bull of the preceding month directing an inquisition into the expediency of such an erection is lost. (*Ib.* No. 1610).

made Chancellor. In 1423, Ducal Letters-patent decreed the establishment of a University, confirming the grant of 9,693 livres voted by the Estates of Burgundy for procuring the Bull, erecting buildings, and paying Professors. Exemptions from taxation and other privileges were conferred, the Duke's Bailiff at Dole created Conservator, and an endowment granted[1]. The right of graduation in Theology was bestowed by a Bull of Eugenius IV in 1437[2]. Ch. VIII, § 10.

The constitution of the University was a modified democracy of a somewhat new type, followed by several of the later French Universities[3]. The Rector was to be a Licentiate, Master of Arts, or Bachelor of Law, and must not be a native of Dole. He was elected by the 'Proctors and Councillors[4]' chosen by the five Faculties, Canon and Civil Law ranking as separate Faculties and Theology being included in spite of the prohibition of graduation therein. The General Congregation included students of all grades, but the ordinary government was in the hands of a College composed of nobles ('living as such') above twenty years of age, all Licentiates, all *Baccalarii formati* in Theology, the Regents[5], the Proctors and Councillors of Faculties, and the *Procurator Generalis*. The Rector had a full jurisdiction in causes of scholars[6], but in criminal cases involving 'pena sanguinis' he was to try lay scholars in conjunction with the Ducal Bailiff: such offenders when clerks were, of course, sent to the Bishop. Constitution.

A body of three external 'Distributors,' originally appointed by the Duke merely to superintend the administration of the public funds devoted to the support of the Studium, eventually acquired an increasingly extensive The Distributors.

[1] Beaune, pp. 7, 21; Fournier, III. Nos. 1614, 1615, 1617, 1622.

[2] Fournier, III. No. 1623.

[3] Cf. above, p. 174. The Statutes (1424) are printed by Fournier, III. No. 1616.

[4] How many of each does not appear: § 12 might suggest that each Nation had one 'Proctor or Councillor,' and § 58 confirms that interpretation. Yet in § 53 we have 'procuratores Facultatum, consiliarii earundem.'

[5] Fournier prints 'regentes. pensionati,' as if two classes. It should be of course 'Regentes pensionati,' *i.e.* salaried Regents.

[6] From the Rector an appeal lay to the College, and from the College to the University.

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control over its affairs [1]. The appointment of the Regents was transferred from the College to the Distributors. Their position, in fact, was exactly that of the 'Governors' or 'Curators' of the Italian Universities. The Cluniac College of S. Jerome was founded by Antoine de Roche, Grand Prior of Cluny, in 1494, and a Cistercian College in 1498 [2].

Colleges.

Rival University at Besançon.

In 1445 there broke out at Besançon one of those quarrels which were of such frequent occurrence in the Middle Ages between the great feudal prelates and their semi-autonomous see-towns. In the course of the quarrel the citizens burned the Archbishop's Château of Brégille. An interdict followed, and the City was obliged to send a deputation to Rome to get it taken off. In 1450 the Pope condemned the citizens to rebuild the palace and pay an indemnity; but, at the same time, by way of relief to the civic *amour propre*, the envoys succeeded in obtaining from the reigning Pontiff, Nicolas V, a Bull for the erection at Besançon of a Studium Generale in Arts only [3]. This unusual limitation was no doubt introduced out of consideration for the rights of the neighbouring University of Dole, which was for the most part a University of Theology and Law. The Archbishop was named Chancellor; the Abbot of S. Paul, the Chanter of the Cathedral, and the Dean of S. Mary Magdalene, Conservators. War, pestilence, civil commotion, and the unwillingness of the House of Burgundy to allow of even a restricted rivalry to Dole long prevented any real execution being given to the Bull. It was not till Besançon took the side of France in the last conflict between Louis XI and his great Burgundian feudatory that Besançon was rewarded and the Burgundian Dole punished by the transfer of the University in all its Faculties from the former to the latter town. The pillage

[1] Beaune, pp. lxi *sq.*, lxxiv; Labbey de Billy, I. p. 45. As usual in French Universities the chairs were filled 'au concours,' *i. e.* by public competition. Beaune, p. lxxix.

[2] *Ib.* p. xcviii; the Statutes of the former in Fournier, III. No. 1643.

[3] Beaune, pp. clxxx, 24; Fournier, III. No. 1626.

and burning of Dole by the French, in spite of a gallant resistance, in which the students of the University distinguished themselves, took place in 1479: the King's letters patent in favour of Besançon were issued in 1483[1]. A curious accident, however, prevented the people of Besançon from enjoying their triumph. The King's Physician Coitier, a native of Poligny, used his influence to persuade his dying patient to transfer the University of the conquered and ruined Dole to Poligny by Letters Patent of 1483[2]. The University not having been actually established either at Besançon or at Poligny, Dole was, however, able in the following year to procure the restoration of its privileges from Charles VIII, and Besançon did not obtain a full Foundation-charter till 1564[3].

Suppression of Dole, 1481.

Transference to Poligny, 1483.

Meanwhile, a Municipal College was erected at Besançon in 1511[4], which may possibly, on the strength of the old Bull of Nicolas V, have claimed the privileges of a Studium Generale in the Faculty of Arts. Even after the issue of the Bull, the restored University—though for a time a flourishing Protestant Law School—enjoyed but an intermittent existence; and it was not till 1691, after the final conquest of Franche-Comté by Louis XIV, that its triumph over its ancient rival was completed by the final transfer of the University of Dole to Besançon[5].

§ 11. POITIERS (1431).

De l'Université de la Ville de Poitiers . . . Extrait d'un ancien Manuscript latin, gardé en la bibliothèque de M. Jean Filleau. Poictiers, 1643. A copy of this rare book, or rather pamphlet, which contains the foundation-charters and the *procès-verbal* of the proceedings at the inauguration of the University, is in the University Library of S. Andrew's (now printed by Fournier, III. No 1721). There is a very short notice in DREUX DU RADIER, *Bibliothèque du Poitou*, Paris, 1754; T. I. p. 387 *sq.* The Article by DE LA LABOR-

[1] Beaune, p. xci, 28; Fournier, III. No. 1632.

[2] Beaune, p. 31; Fournier, III. Nos. 1634, 1955. At the same time Coitier was named Conservator of Privileges. *Ib.* No. 1657.

[3] Beaune, p. 33; Fournier, III. No. 1638.

[4] Beaune, p. clxxxix.

[5] *Ib.* pp. clxxxix–cxcii, 6a.

CH. VIII, § 11.

LIÈRE, ap. *Bulletins de la Soc. des Ant. de l'Ouest* (1844, p. 68 *sq.*) and his notices in *Vieux Souvenirs de Poitiers d'avant* 1789 (Poitiers, 1846), relate chiefly to a more modern period. The same may be said of the *Essai historique sur l'anc. Un. de P.* by PILOTELLE, *Bulletin, l.c.* T. XXVII. 1863, p. 251 *sq.*

Origin.

During the English occupation of Paris the great French University, of course, passed under English influence, and it became an object with the exiled King to weaken that influence, and to draw students away from what had become his enemy's capital. It was not, however, till 1431 that Charles VII obtained from Eugenius IV a Bull for the erection of a University in his temporary capital at Poitiers[1]; a Charter of Privilege was issued in the following year ($143\frac{1}{2}$), when the University was solemnly opened[2]. The Papal Bull conferred upon the University all the privileges of Toulouse, and declared that it was to be on the model of that Studium[3].

Constitution.

The actual constitutional arrangements of the University would, however, appear to have very imperfectly carried out this injunction, except in so far as they exhibit (like those of Toulouse) a compromise between the Parisian and the Bolognese pattern. There was a single Rector; and the University, or rather the two legal Faculties only, were divided into four Nations: (1) France, (2) Aquitaine, (3) Touraine, (4) Berry. Each Nation elected a Proctor[4]. All graduates—Masters, Licentiates, and Bachelors—were admitted to the General Congregation except Bachelors of Arts. But there is a special provision that the Faculty of Law was to be governed after the manner of Orleans, which would imply the possession of some rights by mere students in that Faculty. The Abbot of S. Maixent was to be made Apostolic Conservator, and the Seneschal Conservator of the Royal Privileges. The new University—doubtless through some private influences of which we know

[1] Printed in Bulæus, V. p. 842; Fournier, III. No. 1719.

[2] Bulæus, V. p. 844; Fournier, III. No. 1720.

[3] 'Ad instar ipsius studii Tholosani.'

[4] Fournier, III. No. 1721. Cf. No. 1748.

nothing—was totally disconnected with the Cathedral, the Chancellor being the Treasurer of the Collegiate Church of S. Hilary.

Subsequent history.

In the year 1448 the Municipality began the construction of the 'Great Schools' of the University[1]. At about this time the City is found, in obedience to Royal orders, making certain grants in payment of salaries to the Regents[2], and the City magistrates frequently invoke the Royal authority for the correction of the numerous 'abuses' which at this time prevailed in the University, especially graduation without sufficient residence or qualification, and the absence or negligence of the Regents[3]. It is not till the close of the century (1488) that we meet with any actual Statutes of the University[4], and then the constitution appears somewhat different from that contemplated at its first foundation. It is now clear (whatever may have been the case earlier) that only noble students have a deliberative voice with the Doctors, Licentiates, and Bachelors in the Jurist Nations. The choice of a Rector rotated, in a manner not very clearly defined, between the four Nations and the other Faculties (represented by their Doctors[5]). In the Faculty of Law there were four Regents, who co-opted each other after a public disputation in which the candidates were required to dispute with all comers[6].

College of Puygareau.

In 1463 a College of Puygareau, for a Prior and eight scholars in Theology and Arts, was founded by Françoise Gillier, Lady of Puygareau and widow of an Advocate-fiscal in the Parlement of Paris[7].

[1] Fournier, III. No. 1730 *sq.*; also a Library in 1459 (No. 1744).

[2] Fournier, III. Nos. 1724, 1735, 1736, &c.

[3] Fournier, III. Nos. 1742, 1758, 1759.

[4] Fournier, III. No. 1765.

[5] The University is 'Directa et gubernata per duas Facultates et quatuor nationes, videlicet per Facultates artium et Theologie, cui Facultati adjungitur Facultas medicine.' Presumably each Nation and each Faculty had one turn in six.

[6] Fournier, III. Nos. 1723, 1767.

[7] Fournier, III. No. 1763.

CH. VIII, § 12.

§ 12. CAEN (1437).

There are slight notices in CH. DE BOURGUEVILLE (SIEUR DE BRAS), *Les Recherches et Antiquitez de la province de Neustrie . . . mais plus spécialement de la Ville et Université de Caen*, Caen, 1588 (reprinted 1833); HUET, *Les Origines de la Ville de Caen*, Rouen, 1702 (2nd ed. 1706); and DE LA RUE, *Essais historiques sur la Ville de Caen*, Caen, 1820, and *Nouveaux Essais hist. sur la Ville de Caen*, Caen, 1842. A full account of the Law Faculty is given by CAUVET, *Le Collége des Droits de l'ancienne Université de Caen*, Caen, 1858, and *L'ancienne Université de Caen*, Caen, 1874 (*Mémoires de l'Acad. des Arts et Belles-lettres de Caen*). The work of LE COMTE AMÉDÉE DE BOURMONT, *La Fondation de l'Université de Caen* (ap. *Bulletin de la Soc. des Antiquaires de Normandie*, T. XII., Caen, 1884) is a very careful history with full collection of documents (also *La Bibliothèque de l'Université de Caen au XVe siècle*, 1881). Other documents were published by CHARMA in *Mém. de la Soc. des Ant. de N.* 1876 (sér. 3. T. II.). There is also a *Liste des Recteurs de l'ancienne Université de Caen* by CHATEL (*Bull. de la Soc. des Ant. de Norm.* 1881–2, T. XI.).

Law University, 1432.

Like Poitiers, the University of Caen owes its existence to the French wars of the English King Henry VI. A University of Canon and Civil Law was erected here in 1432 by the Regent, the Duke of Bedford, under Letters-patent of Henry VI[1]. The consent of Martin V had already been obtained, but no Bull granted. As Paris was in the hands of the English, and the new University was to be purely legal, it is evident that it was intended as a rival rather to such places as Orleans and Angers than to Paris. Nevertheless the scheme met with a violent opposition from that University. Its Masters vainly petitioned the Parlement of Paris, the Council of Bâle, and afterwards Eugenius IV, against this addition to the number of its competitors[2]. After the expulsion of the English from Paris in 1436, the scope of the University was extended to the other Faculties[3], and in 1437 a Bull of erection was granted by Eugenius IV[4]. The diocesan, the Bishop of Bayeux, was appointed Chancellor, and shortly afterwards the

Bull of Eugenius IV for all Faculties, 1437.

[1] De Bourmont, p. 477; Fournier, III. No. 1644.

[2] De Bourmont, p. 328 *sq.*; Fournier, III. Nos. 1645, 1646, 1650.

[3] Theology and Arts in 1437, Medicine in 1438: de Bourmont, pp. 480, 482; Fournier, III. Nos. 1647, 1650.

[4] De Bourmont, p. 564; Fournier, III. No. 1644.

Bishops of Lisieux and Coutances Conservators[1]. The solemn inauguration of the University took place in 1439: the first Rector being an Englishman, Michael of Tregury, B.D., of Exeter College, Oxford, Archdeacon of Barnstaple, and afterwards Archbishop of Dublin[2]. Ch. VIII, § 12.

The measure was as usual popular in the neighbourhood: the Bull had been granted on the petition of the Estates of Normandy, and the University was therefore not interfered with, in spite of the renewed efforts of Paris[3], on the re-annexation of the Duchy to the French Crown. Upon the petition of the Estates it received a temporary continuation in 1450 and in 1452 a new Charter from Charles VII[4]. Confirmation by Charles VII, 1450 and 1452.

The University, in the form which it assumed after the loss of Paris, was deliberately intended to divert the Norman subjects of the English king from attending the University of the capital. It was completely modelled on that University, with a few slight constitutional modifications necessitated by the smaller numbers and different circumstances of Caen. Students and Bachelors have no more power than at Paris; but the Licentiates of the four superior Faculties (the Civil and Canon Laws being reckoned as distinct) are admitted to vote in Congregation[5], and the voting is by Faculties. The Rector is elected by Intrants from the five Faculties[6]; he may himself be Constitution.

[1] De Bourmont, p. 568; Fournier, III. Nos. 1648, 1651.

[2] De Bourmont, pp. 337 *sq.*, 373; Fournier, III. No. 1653. Tregury is said to have written a tract 'de origine illius studii,' Cf. Boase, *Reg. of Ex. Coll.*, ed. 2, I. p. 22, which, however, is not known to survive.

[3] Bulæus, V. pp. 426, 536, 554; Fournier, III. No. 1666.

[4] De Bourmont, pp. 557, 560; Fournier, III. Nos. 1674, 1678. The Faculty of Law was suppressed by the first edict but revived by the second.

[5] The University Statutes of 1439 are printed in de Bourmont, p. 484 *sq.*; Fournier, III. No. 1652. It is observable that in this University the privileges of graduates were not limited to a small co-opting College of Regents. In 1480, however, the interference in academical affairs of non-academical graduates became so serious that the Faculty of Arts found it necessary to deny a vote to non-teaching Masters residing in the neighbourhood, on the ground that the privileges of the University were limited to those residing 'studii causa' (Fournier, III. No. 1689).

[6] An arrangement already adopted at Dole, though there Doctors were ineligible. See above, p. 189.

Ch. VIII, § 12.

a Master of any Faculty, but, if a Master of Arts, must be also a Bachelor in one of the superior Faculties. The change necessitated a Dean of Arts[1]. There are no Nations or Proctors. None but purely academical jurisdiction is conferred upon the Rector: and the Statutes, which are enacted by authority of the English King, betray an anxious desire to confine the privileges of the University to *bona fide* students, and to restrict even in their case the jurisdiction of the Royal Conservator—the Bailiff of Caen —to purely 'personal causes and injuries[2].' In the strictness of these Statutes of 1439 in reference to 'night-walking[3]' and other conduct of the students, it may, perhaps, not be fanciful to trace the effects upon University discipline of an army of occupation, whose purposes the University itself was intended to serve[4].

The College of Law.

A small constitutional peculiarity of the University remains to be noticed. Civil and Canon Law formed, as we have seen, distinct Faculties: but the two Faculties were from 1443 housed in an ancient Court-house known as *La Cohue*. The two Faculties thus united formed a College under a Prior, the two Deans remaining at the head of their respective Faculties in their separate deliberations and their relations to the University as a whole[5]. Schools for the remaining Faculties were given by Mary, Duchess of Orleans, in 1476[6]. In 1452 one of the smallest Colleges on record was endowed (for Artists) by one Le Cloutier, a neighbouring *seigneur*, consisting only of a Principal and two Bursars[7]. By the beginning of the sixteenth century

Colleges.

[1] The Jurist College and the Theological Faculty had Priors as well as Deans.

[2] The jurisdiction was slightly extended in 1445: de Bourmont, p. 540 *sq.*; Fournier, III. No. 1664.

[3] Scholars captured by the watch after eight or (in summer) nine p.m. are to be imprisoned for the night and surrendered on the requisition of 'suos judices,' who are not to fine them, but 'imponetur eisdem salutaris pena.'

[4] In 1444 the privileges of all other Universities were declared by Henry VI to be forfeited for disobedience. De Bourmont, p. 534; Fournier, III. No. 1662a.

[5] De Bourmont, pp. 354 *sq.*, 432 *sq.*, 522; Fournier, III. Nos. 1659, 1710. The membership of the College was eventually limited to seven Regents.

[6] Fournier, III. No. 1688.

[7] Fournier, III. No. 1676. One of the two might be a religious named by the Abbey of Barbery.

there were several small endowed Colleges (mostly if not all for Artists) in the town, besides the unendowed Pedagogy or 'College of Arts' under the control of the Faculty[1]. Of these the most important was the Collége du Boys, founded—it is thought as an expiatory offering—by the infamous Pierre Cauchon, Bishop of Lisieux and burner-in-chief of Joan of Arc, who died in 1442, though it appears doubtful whether the College was actually established before 1491[2]. The Congregations and Courts of the University were held in the Franciscan convent, which was eventually, in 1493, made over by the Order to the University in a very peculiar and unprecedented manner, the Order being henceforth placed 'under the protection and guardianship' of the University[3].

Revenues.

In strict accordance with the whole aim of the foundation, and the better to attach its members to the English connexion, the University was endowed out of the revenues of Parisian Colleges and of various ecclesiastics, sequestrated for non-submission to the English rule. It is remarkable that the chairs endowed included Rhetoric and Poetry as well as Theology, Canon Law, and Medicine. When, in accordance with the treaty of 1448, these revenues had to be restored to their rightful owners, a sum of 450 *livres tournois* was divided among six Masters, the payment being charged upon a wine and beer tax[4]. Loyalty was also encouraged by the reservation in 1445 of half the English King's benefices in France for graduates of Caen[5]. After the expulsion of the English the University appears, although apparently without any other endowment than

[1] 'Et alia collegia in eadem Facultate artium nunc fundata, preter collegium Montis, collegium de Boult, collegium Cingal, et cetera.' Fournier, III. No. 1718 (§ 38). Cf. de Bourmont, pp. 456, 458–476.

[2] Fournier, III. Nos. 1701, 1705–8, 1713. According to de Bourmont, p. 467, the name is derived from Nicolas du Boys, Dean of Rouen, who was not a relative or executor of the Founder.

[3] Fournier, III. Nos. 1699, 1704. Such a step can only have been taken under pressure of grievous financial embarrassment.

[4] De Bourmont, p. 551 *sq.*; Fournier, III. No. 1672.

[5] De Bourmont, p. 551 *sq.*; Fournier, III No. 1663.

CH. VIII, § 13.

its buildings and its Artist Colleges, to have enjoyed considerable prosperity as a local Studium[1].

§ 18. BORDEAUX (1441).

The *Statuta Universitatis Burdigaliæ* were printed in 1694. Of this volume only one copy is known to exist. They have been reprinted (the original MS. being lost) with a preface and other documents by BARCKHAUSEN, in *Statuts et Règlements de l'ancienne Université de Bordeaux*, Libourne et Bordeaux, 1886 (which contains the documents now printed by Fournier). GAULLIEUR, *Histoire du Collége de Guyenne*, Paris, 1874.

Origin.

Like Caen, the University of Bordeaux arose during the English domination in France. It was founded in 1441 by a Bull of Eugenius IV upon the petition of the Archbishop's Officials, of the Seneschal and Aquitanian Councillors of the English King Henry VI, and of the Mayor and Jurats of the City[2], but (strange to say) did not receive a direct Royal confirmation[3]. Its foundation was mainly the work of the Municipality, though it was a project of which the English authorities had every reason to approve. Situated at the mouth of the river by which the students of Bordeaux might have ascended to Toulouse, the new University was naturally modelled on that Studium[4]. It was governed mainly by the Masters, the student-rights being only recognized in the enactment that two of the Rector's four Councillors should be Bachelors[5]. The then Archbishop of Bordeaux was named Chancellor for his life-time. After his death the Chancellorship was to pass to the first Archdeacon in the Church of Bordeaux, the Archdeacon of Médoc. The Bishop of Bazas, the

On the model of Toulouse.

[1] The numbers at the beginning of the sixteenth century may be estimated from the MS. *Matrologium*, f. 369 (in the Archives of the Department), where there is a list of sixteen Doctors and seventy-six other resident graduates of the superior Faculties and twenty-two Regents in Arts.

[2] *Statuts*, p. 3 *sq.*; Fournier, III. Nos. 1768, 1769.

[3] Till the reign of Louis XI: *Statuts*, p. 19; Fournier, III. No. 1772.

[4] The Bull declared that it was to be 'ad instar Studii Tolosani.'

[5] *Statuts*, p. 9; Fournier, III. No. 1771. By the Statutes of 1482 there were to be two Proctors, one a Bachelor of Law, the other of Arts and two Councillors. *Statuts*, p. 30; Fournier, III. No. 1774. The Councillors might be Licentiates or Bachelors.

Abbot of La Sauve, and the Archdeacon of Cernès were to be Apostolical Conservators: the conservation of the Royal Privileges was entrusted to the Seneschal of Guienne[1]. The University nominally embraced all Faculties, but no regular teachers were appointed in Medicine[2], and the Faculty of Arts represented little more than the incorporation of the existing College of Arts or town-school, afterwards known as the College of Guienne[3]. By the original Statutes there were to be one Regent Master in Theology (in addition to the Theological teachers of the Mendicant Convents), two in Canon Law, two in Civil Law, one in Arts, and one in Grammar[4]. None of the chairs were endowed, though the right of teaching was limited to their occupants; the Professors were left to be supported by a fee of half a golden noble from each scholar[5]. Under these circumstances it is not surprising to find Statutes very particular in their injunctions to Examiners to treat the candidates 'with all tenderness and charity, preferring pity and lenity to the rigour of the Law,' so as 'to increase the University rather than diminish it'; while the prelates, nobles, and sons of Doctors and Masters are unblushingly excused 'the private Examination[6].' The reader will by this time be sufficiently familiar with the fate of small unendowed Universities to anticipate that the career of the University of Bordeaux was far from a brilliant one. During the sixteenth and seventeenth centuries we find that extreme difficulty was experienced in

[1] The Mayor and Sub-Mayor of Bordeaux were in 1487 joined with him in the Conservation. *Statuts*, p. 47; Fournier, III. No. 1777.

[2] A Regent in Medicine occurs in 1491. Fournier, III. No. 1780; *Statuts*, pp. xxiv, 440.

[3] The 'Magnæ Scholæ Civitatis;' *Statuts*, p. xix. No books are prescribed for the Faculty of Arts except 'Doctrinale et Græcismum.' Later we find a regular Arts Faculty; *ib.* pp. 25, 35.

[4] *Statuts*, p. 12; Fournier, III. No. 1771. After the French reconquest the University received a confirmation of its privileges from Louis XI (1473), and the number of Regents was slightly increased; *Statuts*, pp. 19, 31; Fournier, III. No. 1773 *sq.* The Chairs were filled by co-optation.

[5] Together with 'pro scamno seu banquo suo . . . duodecim albos sive arditos monetæ usualis Burdigaliæ,' and twenty for the Bedel. *Statuts*, p. 13; Fournier, III. No. 1771.

[6] *Statuts*, p. 16; Fournier, *l. c.*

CH. VIII, § 14.

getting the University Professors (who were here, it must be remembered, the only teachers) to deliver any lectures at all, and at times we find the University reduced to little more than an establishment for the sale of 'bogus' absentee degrees [1].

§ 14. VALENCE (1459).

NADAL, *Hist. de l'Université de Valence*, Valence, 1861; a full history with a few documents. Fournier speaks of a very rare edition of the Statutes, *Institutio, privilegia et statuta Universitatis Valentinæ*, Turnone, 1601.

Origin.

The University of Valence owes its existence substantially to the efforts of its Consuls, and formally to the Dauphin Louis (afterwards Louis XI), who frequently resided in the place and bore (like his predecessors) the title of Count of Valence. His Charter of foundation was issued in the year 1452 [2]. It is worded so as to be rather an announcement of the Dauphin's intention to found a University than an actual foundation [3], though he goes on to actually found it in so far as lay in him—the rights of the Pope being thus respected. The University, however, came into being forthwith, though no Papal Bull was issued till the year 1459, and the Rector of the University was the envoy despatched to Rome to procure its *ex post facto* erection. The language of the Bull granted by Pius II is remarkable. It both recognizes the University as already existing and also 'for greater caution' founds it anew [4]. It was clearly

[1] *Statuts*, pp. xxxviii *sq.*, 55, &c.

[2] Nadal, pp. 13, 361; Fournier, III. Nos. 1784-1789.

[3] 'Universitatem studentium in facultatibus sacre Theologie, Jurium canonici, civilis, medicine et artium, in eadem nostra civitate perpetuo residendam, creavimus et instituimus, creamusque et instituimus, *quantum in nobis est*, ut eadem universitas, cancellarius, primicerius seu rector dictorum scholarium ejusdem, et quicunque alii illic aggregati secura studio intendant libertate.'

[4] 'Pro potiori cautela et præsentium firmitate . . . studium hujusmodi de novo facimus, creamus et instituimus, . . . concedentes ut in eadem civitate sit studium generale.' Fournier, III. No. 1796; Nadal, p. 368. The Bull is also remarkable as recognizing the *jus ubique docendi* 'in singulis aliis studiis generalibus et *quibuscunque aliis locis* in quibus voluerint.' It is observable that it was thought necessary—not till 1459—to ask the Bishop 'quod permittat legere et exercere studium' (Fournier, III. No. 1802).

intended to take the place of Grénoble as the University of the Dauphiné, the existence of any other University within its limits being ignored, or rather denied, by the Dauphin's Charter[1]. The Bishop was appointed Chancellor; the Archbishop of Lyons, the Bishop of Grénoble and a neighbouring Abbot Conservators Apostolic; and the Seneschal of Valence Conservator of the Dauphin's privileges. The Rector is spoken of (after the Chancellor) as the 'Rector or Primicerius'—a title which we have previously met with in the neighbouring Universities, Avignon and Aix. Ch. VIII, § 15.

The University enjoyed the privileges of Orleans, Toulouse, and Montpellier. The earliest Statutes are not extant, but a Code belonging to the last years of the fifteenth or beginning of the sixteenth century makes it plain that it was a University of students under a student Rector and Council of twelve students[2]. Though it nominally embraced all the Faculties, the University was mainly a Law School. The expenses of its foundation and the *honoraria* of the Professors were paid by the Consuls and Council of the City[3], to whose liberal patronage was due the considerable fame which the University attained in the sixteenth century, when Cujas the illustrious Reformer of Roman Law studies was only one, though the greatest, of a succession of eminent Professors of Civil Law[4]. Constitution and history.

§ 15. NANTES (1460).

TEULÉ, *L'ancienne Université Nantaise*, ap. *Revue de Bretagne et la Vendée*, Sér. iii. T. I., Nantes, 1867, p. 337 *sq.* LÉON MAÎTRE, *L'Université de Nantes*; *ib.* Sér. iv. T. IX. p. 413 *sq.* (1876); T. X. p. 24 *sq.*; Sér. v. T. I. (1877), p. 113 *sq.*; T. III. (1878), pp. 66 *sq.*, 173 *sq.* A few very slight notices occur in TRAVERS, *Hist. de Nantes*, T. II. 1837, p. 5 *sq.* The *Leges et Statuta inclyte Universitatis Nannetensis* were published at Nantes in 1651, and there are several editions of the Foundation, Privileges, &c.

[1] 'Cum rari sint principes in quorum territoriis universitas non sit fundata, in nostris vero nulla.'

[2] Fournier, III. No. 1842. It is observable that the *Collegium Doctorum* seems to have been open to all Doctors who cared to lecture: was this the cause of the University's vigorous condition early in the sixteenth century?

[3] Fournier, *passim.*

[4] Nadal, p. 47 *sq.*

CH. VIII, § 15.

Origin.

In 1414 a Bull was issued by John XXIII sanctioning a scheme of John, Duke of Brittany, for the erection of a University at Nantes by the levy of a third upon all ecclesiastical revenues within the Duchy [1]. But nothing came of this enactment, and no actual Bull of foundation appears to have been granted till the time of Martin V, whose Bull was confirmed by another Bull of Nicolas V in 1449 [2]. All three Bulls, however, remained without effect, and it was not until 1461 that a University in all Faculties was actually opened under a new Bull of Pius II granted in the preceding year [3]. Another Bull enabled the then Duke, Francis II, to endow the University with a sum of 4,000 *saluts d'or* owing by him to the Dean and Chapter of S. Brieuc as an atonement for simony [4]. An annual grant of 200 livres was also made from the revenues of the Duchy [5].

Constitution.

The Bull of foundation entrusted the power of making Statutes to the Bishop as Chancellor, the Rector and resident Doctors, 'together with a competent number of Licentiates and students' and two Councillors of the Duchy. But, after the establishment of the University and the promulgation of the first Statutes, we hear no more of such a Board. The Constitution and Statutes of 1462 [6] are inspired by, but not copied from, those of its two nearest neighbours, Caen and Angers. They exhibit a kind of compromise between the mainly Parisian system of the former and the very modified student-democracy of Angers. Simple students have no share in the government of the University, unless they are 'dignitaries or Canons of important Churches [7]'; but Licentiates and Bachelors of the superior Faculties (together with the 'dignitaries and

[1] Fournier, III. No. 1588. According to Travers (II. p. 5) the failures were due to the refusal of the earlier Popes to allow a Faculty of Theology, but this is improbable.

[2] Fournier, III. Nos. 1589, 1590.

[3] Fournier, III. Nos. 1591, 1594.

[4] Maître, *Revue*, 1876, p. 418; Fournier, III. No. 1593 (where the amount is wrongly stated as 5000 *saluts*).

[5] Maître, *l. c.* p. 421; Fournier, III. No. 1599.

[6] Fournier, III. No. 1595.

[7] 'Nisi fuerit in dignitate constitutus, aut ecclesie cathedralis seu collegiate insignis canonicus.'

Canons') have seats in Congregation as well as the Doctors or Masters of all Faculties. As at Caen, the Rector is elected by five Intrants representing the five Faculties, and is selected from each Faculty in turn. Unlike Caen, the five Faculties of Nantes elect five Proctors as well. In the Faculty of Arts, indeed, the Proctorship is held by the same person as the Deanship: but in the other Faculties the Dean is distinct from, and superior to, the Proctor, who was usually a Licentiate or Bachelor. The Rector must be a Licentiate or Bachelor of a superior Faculty, or a Master of Arts. As at Orleans, the ordinary administration of University affairs is in the hands of a 'College' composed of the Rector, the Doctors, the Regent Masters of Arts, and the Proctors. The composition of the College seems to be suggested by the similar arrangement at Angers, though the Proctors at Nantes are representatives of Faculties, not of Nations. Voting in both College and University is by Faculties. At Paris College teaching had by this time become so essential a part of the University system in the Faculty of Arts that two Pedagogies (with not less than three Regents in each) were established at Nantes by the Statutes from the first, and its students subjected to the school-boy discipline now established in the Parisian Colleges and Pedagogies[1]. CH. VIII, § 15.

Under the liberal patronage of its Founder the University enjoyed a short prosperity, but declined after his death, and almost totally collapsed during the last unsuccessful struggle for Breton independence. In 1494 it was revived, chiefly as a School of Law, by the joint action of Charles VIII of France and the City[2]. The Faculty of Law was transferred to Rennes in 1735. History.

[1] By the Papal Bull of 1460 the 4000 *saluts d'or* owed by the Duke to the Chapter of S. Brieuc was to be spent in the foundation of a College. As to whether it was actually spent upon the Pedagogies there appears to be no information. Mention is made of a Collége de Launay and a Collége de Mellerai (Travers, *Hist. de Nantes*, II. p. 258). Maître makes the former an addition to the already existing 'College of S. John' connected with the Cathedral School (*Revue*, IX. p. 422). Cf. Teulé, *Revue*, 1867, p. 343.

[2] Maître, *l. c.* p. 424; Sér. v. T. III. p. 180; Fournier, III. Nos. 1602–1608. We hear, prior to the revival,

CH. VIII, § 16.

§ 16. BOURGES (1464).

There are very scanty notices in CHENU, *Recueil des Antiquites et Privileges de la Ville de Bourges*, Paris, 1621, and DE LA THAUMASSIÈRE, *Histoire du Berry*, Bourges, 1689. Most of the documents printed by FOURNIER in his *Statuts* appear also in *Mémoires de la Soc. historique du Cher*, Sér. 4, vol. ix., Bourges, 1893, with a short introduction by the same editor. See also Articles by MARTONNÉ in *Revue de Berry*, 1865, and by DUCHASSEINT, *ib.*, 1866. Fournier refers to GRANDMAISON, *De la splendeur de l'Université de Bourges et de son rétablissement*, Bourges, 1829, and to various works by CATHERINOT (seventeenth century).

Origin.

The University of Bourges was founded for all Faculties by Bull of Paul II, granted on the petition of Louis XI, of France (a native of Bourges) and his brother Charles, Duke of Berry, in 1464[1]. A long but eventually unsuccessful effort was made by the Universities of Paris, Orleans, and Angers to procure the recall of the Bourges privileges[2]. The University was designed for all Faculties[3], and was actually opened in 146⅘[4]. In 1470 the King by a twice-

of the 'penuriam doctorum atque peritorum legentium ... et quod propterea nulli aut saltem pauci et rari scolares ad civitatem et urbem Nannetensem accedebant seu ibidem remanebant' (Fournier, III. No. 1608). Charles VIII provided for four Professors with 100 *livres* each. No. 1607 *sq.*

[1] Fournier, III. Nos. 1850, 1851. It confers also a general dispensation from residence, the *privilegium fori*, leave for all secular clergy to study the Civil Law, and (a very exceptional feature) a prohibition to practise Medicine in the City without leave of the Faculty.

[2] Bulæus, V. pp. 678, 689–691, 715. The proceedings before the Parlement of Paris are printed in Fournier, III. Nos. 1858, 1860, 1861. After reciting the original transference of the University from Athens to Paris *via* Rome, and the Carolingian privileges, the plea of the University of Paris goes on to notice the evils arising from a multiplication of Universities. It declares that originally there were only four Universities, 'la première à Paris, la seconde en Italie, la tierce en Angleterre, et la quarte en Espagne.' It also alleges that Bourges gave degrees to those 'refusez in graduatione propter insufficientiam.'

[3] I have not elsewhere noticed the following curious custom: 'At Bourges in France,' says Luther, 'at the public creation of Doctors in Theology, which takes place in the Metropolitan Church there, each Doctor has a net given him, as a sign, seemingly, that their business is to catch men.' Michelet's *Life of Luther*, E.T. (the Universal Library), p. 64. There is no trace of this in any medieval Statute.

[4] Fournier, III. No. 1853.

repeated order compelled the Parlement of Paris to register his letters of erection[1].

The Chancellor of the Metropolitan Church became Chancellor of the University, and the Bailiff of Bourges was the Royal Conservator. Some provision was made for the support of the University partly by the civic authorities and partly by a tax on ecclesiastical property[2]: but it is not clear how far these arrangements were really carried out. The Statutes assign to the Doctors of Law a *collecta* of twenty-seven and a half *solidi turonenses* from each student[3]. Little information is forthcoming as to the character of the University constitution, but, as the Rector was often a student[4], and the University was mainly a University of Law, we may presume that it was more or less a student-University of the modified French type. There were originally four Nations, afterwards five, viz. France, Berry, Touraine, Aquitaine, and Germany, and the Nations were, it appears, (as at Poitiers) divisions of the Jurist Faculty only[5]. Charles VIII in 1498 had to issue an edict against gross neglect of duty on the part of certain Regents of Law who were also Canons of the Cathedral, Officials of the Archbishop, and considerable landed proprietors[6]: but in the sixteenth century the University rose to great importance as a School of Law, when great Jurists like Alciatus, Refussus, and Cujas were among its teachers.

BESANÇON (1485).

A Bull for a Studium Generale in Arts only was issued by Nicolas V in 1450, but apparently remained unexecuted. For the further history of the successive attempts to found a University in this place, the reader may be referred to the section on Dole (p. 190). There *may* have been some kind of School or College in Arts, technically entitled to University privileges, from the year 1483: but it is extremely doubtful whether there was a University here in anything but the name till a University in all Faculties was formally established in 1564.

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[1] Fournier, III. Nos. 1859, 1860.
[2] Fournier, III. No. 1854.
[3] *Ib.* No. 1862a.
[4] *Ib.* No. 1866.
[5] *Mém. de la Soc. Hist. du Cher*, p. 9, referring to Raynal, *Hist. du Berry*, III. 364.
[6] Fournier, III. No. 1865.

CH. VIII, § 16.

Summary.

AFTER the somewhat bewildering mass of constitutional details with which we have been engaged, it may be well to sum up in a few sentences the leading characteristics of the French Universities other than Paris :—

Origin.

(1) In their origin the older of them—such as Orleans and Angers—were spontaneous developments of ancient Cathedral Schools, or at least of episcopally governed Schools (such as Montpellier), which eventually obtained Papal Bulls. The later were erected by Papal Bull as elsewhere. In the older Studia the organization is in part of independent origin—especially the system of Nations, which does not seem to be copied from either Paris or Bologna.

Modified Student-rights.

(2) At the beginning of our period the internal government of the Universities is originally in the hands of the Masters or Doctors, though there is sometimes a more or or less nominal recognition of the students as members of the University corporation. In the old Universities of Orleans, Angers, and perhaps Montpellier, there was probably from an early period an organization of the students into Nations side by side with the University proper. And through these Nations the students, in the course of the fourteenth century, gradually acquired a much larger share in University government, including especially the election of the Rector. The ultimate result of this change is a constitution in which the Doctors and students together are recognized as the ultimate governing body of the University, but in which its actual government and administration were practically left in the hands of a College composed of a Rector, the whole or a portion of the Doctors, and the representatives of the student Nations whether styled Proctors or Councillors, most or all of whom are in practice Licentiates or Bachelors. At Toulouse a somewhat scantier admission of students to the Council or College dates from the original constitution of the University. The typically French University system thus represents a fusion between the magisterial or Parisian and the Bolognese or student constitution. Caen and Poitiers must be regarded in some measure as exceptions to this generalization, being

framed on the model of Paris, but even they are not unaffected by the prevailing type. At Avignon the efforts of the students in the fourteenth century to acquire an elective and legislative Rectorship were baffled, and the power remained in the hands of the Masters. The medical University of Montpellier also retained to the last the ancient system of government by the College of Doctors: but in both cases there is a student organization outside the University proper, which eventually enables the students' representatives to conduct corporate negotiations with the Doctors, though not to obtain admission to their College. CH. VIII. § 16.

(3) In almost every case the Bishop has a much more important and powerful position in the University than he enjoyed either at Bologna or at Paris. The spontaneously developed Studia were originally entirely under the control of the Bishop and an episcopal Chancellor or Scholasticus. In many cases Statutes are issued by his authority. Later, his prerogatives were gradually diminished by the powers acquired by the Doctors or the Universities under Royal or Papal privilege. But to the last the Bishop retained considerable authority in nearly all the French Universities. The Municipalities, on the other hand, though in the South of France often interesting themselves in the foundation or development of the Universities, possessed much less control over them than in Italy. Towards the close of our period, however, the system of *Salaria* brought with it increased subordination to the secular power, whether King, Prince, or Town Council. Authority of Bishop.

(4) The rights of Regency were—in some cases from the beginning, in almost all sooner or later—limited to a small body of teachers whether supported by salaria or only by fees. A permanent Professoriate was thus formed very like that established in the German Universities by the totally different system of endowed *Collegiaturæ*. The French and German Professoriate differs from the Italian in being for the most part co-opted, instead of being periodically elected either by the Students or the City government. Moreover in France the privilege of the Limited College of Doctors.

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co-opting College was usually limited to the monopoly of 'ordinary' lectures and the resulting fees. Salaries only become common towards the close of our period[1].

Prominence of Law.

(5) Law-studies were the most prominent in all these Universities, except at Montpellier, whose fame was originally based on Medicine. This was especially the case with the older Schools of Angers and Orleans, which long remained without any other Faculty.

Importance of Colleges.

(6) Endowed Colleges for poor students played a much more important part in these Universities than in Italy. Many of the smaller Studia were kept alive during the less prosperous periods of their history mainly by the Colleges. Their constitution in Southern France usually approximates to the Italian type: at all events the Headship is usually held for short periods, though at Toulouse the Head was usually a Chaplain. College teaching never became important except in Colleges for Monks or Friars, and perhaps at Caen where there was an important Arts Faculty modelled on Paris.

Position of Arts.

(7) One consequence of the prominence of Law in the French provincial Universities was the unimportance of the Faculty of Arts. Towards the close of our period we see, however, a tendency on the part of towns to erect 'Colleges' which were really Schools for boys, in connexion with a newly-erected University, or to bring old Grammar-schools into connexion with the newly-created Faculty of Arts. This is not the place to attempt to trace the effects of such arrangements upon the French educational tradition down to the present day, but it would probably be found that the system by which the Bachelor's degree *precedes* the beginning of the strictly University course while 'Rhetoric and Philosophy' are taught in the highest form of the Lycée are to some extent an inheritance from the scholastic organization of the Middle Ages.

[1] Even before the end of the fifteenth century we find the Law Professors claiming the privileges of nobility, a claim which was eventually recognized in all French Universities; Pilotelle, ap. *Mém. de la Soc. des Ant. de l'Ouest*, T. XXVII. (1863) p. 367 *sq.*

CHAPTER IX.

THE UNIVERSITIES OF GERMANY, BOHEMIA, AND THE LOW COUNTRIES.

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RAUMER, *Die deutschen Universitäten* (Aufl. 3, Stuttgart, 1861: Theil 4 of *Geschichte der Pädagogik*; Eng. Trans. New York, 1859), deals but very slightly with the medieval period. MAURER has a short chapter on the Universities in his *Geschichte der Städteverfassung in Deutschland* (T. II., Erlangen, 1870, pp. 282–321). MEINERS, *Über die Verfassung und Verwaltung deutscher Universitäten* (Göttingen, 1801), is an account of the then constitution of the Universities rather than a history. No systematic history of the German Universities seems to have been undertaken before KAUFMANN, whose first volume of *Vorgeschichte* (Stuttgart, 1888), though to my mind he is usually mistaken where he dissents from Denifle, promises well for his future treatment of his proper subject. Of periodical contributions to the subject the most important is PAULSEN, *Die Gründung der deutschen Universitäten im Mittelalter* in Sybel's *Historische Zeitschrift* (T. 45, München, 1881). The same writer has prefixed a very short historical introduction to *Die deutschen Universitäten*, ed. by Lexis, Berlin, 1893.

§ 1. PRAGUE (1347–8).

VOLCKMAN, *Gloria Universitatis Carolo-Ferdinandæ Pragensis* (Pragæ: no date) is rather an 'eulogium' than a History; of which VOIGT, *Acta Litteraria Bohemiæ et Moraviæ* (Pragæ, 1774–83), gives a summary with a few extracts from documents. There is also a slight sketch of the history of the University by the same writer, entitled *Versuch einer Gesch. d. Univ. zu Prag* (Prag, 1776). *Monumenta Historica Universitatis Pragensis* (Pragæ, T. I. 1830, T. II. 1832, T. III. no date), edd. DITTRICH and SPIRK, is a valuable and tolerably complete collection of documents. TOMEK, *Geschichte d. Prager Univ.* (Prag, 1849), is a good book somewhat spoiled by the absence of references to authorities. HERBST, *Das juridische Doctorencollegium in Prag* (Prag, 1861), deals almost entirely with post-medieval history. HÖFLER, *Magister Johannes Hus und der Absug der deutschen Professoren und Studenten aus Prag, 1409* (Prag, 1864), is a useful study of the subject. Many notices and documents relating to the University may be found in HÖFLER, *Geschichtschreiber der Husitischen Bewegung in Böhmen*, in *Fontes Rer. Austriacarum*, SS., T. VI. (*Kais. Akad. d. Wissenschaften in Wien*, 1856–1865), which includes the *Chronicon Universitatis Pragensis*, on which there is a dis-

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sertation by RUSTLER, *Das sogenannte Chron. Univ. Prag.* (Leipzig, 1886). Of recent works on the Hussite movement by far the most important is Loserth, *Wyclif and Hus* (Eng. Transl. by Evans, London, 1884).

No University in Germany in the earlier Middle Age.

NOTHING can more strikingly illustrate the cosmopolitanism of the medieval University system than the fact that up to the middle of the fourteenth century Germany possessed no University at all. Germany was certainly not untouched by the great intellectual movement of the twelfth century; but its two great centres were Paris and northern Italy. To England, indeed, the impulse transferred itself in the infancy of the University system. But when the earliest Universities arose, Germany was too far behind the rest of Europe in culture and civilization for the spontaneous development of a University: and when the period of artificial foundations arrived, its political dissensions were not favourable to such an experiment. Feudal magnates were perhaps less likely to become patrons of learning than either independent Kings or independent Cities. However this may be, the fact remains that for two centuries the University-movement affected Germany mainly by drawing away students to foreign Schools. German students abounded in all the more important Studia both of France and Italy. At Paris, after the rise of the English Universities, they must have formed an increasingly large proportion of the English Nation: while the special privileges which they enjoyed at Bologna, Padua, and other Italian Universities no doubt contributed to reconcile the wealthier class of students to the non-existence of a national Studium.

Designs of Charles IV.

The foundation of a University was a scheme exactly suited to the character and position of Charles IV, King of the Romans and King of Bohemia. It was his policy at once to assert the Imperial prerogative in so far as that could be done by the issue of charters and privileges, and to make his Imperial position an instrument for strengthening and developing his Bohemian kingdom and capital. He was himself a scholar, had lived long in France, was much influenced by French ideas, and had studied in Paris[1].

[1] Pelzel, *SS. Rer. Boh.* II. (Pragæ, 1884), p. 350.

Paris naturally, therefore, became the model for Charles's University; and, partly no doubt in consequence of that precedent, for all subsequent German Universities. A nucleus for the new foundation was already in existence. There had been a Studium Particulare of considerable importance in Prague at least from early in the thirteenth century [1]. In 1271–74 we hear of masters teaching under the Scholasticus of the Cathedral, and the instruction included not merely Grammar and Logic but the Aristotelian Natural Philosophy. The students were drawn from a considerable area—from Austria, Styria, and Bavaria, as well as from all parts of Bohemia [2]. Had the Studium attained to this point of development a little earlier, and had it succeeded in maintaining its prestige continuously, there would probably have been a spontaneous development into a Studium Generale. But the outbreak of hostilities between the Emperor Rudolf of Hapsburg and the Bohemian King Ottokar II in 1274 drove away the students from the Hapsburg dominions, and lowered the importance of the Studium [3]. From more distant regions students could not at the close of the thirteenth century be attracted without chartered privileges and authenticated degrees. The idea of obtaining the now indispensable parchments had already presented itself to the enlightened Bohemian monarch, Wenceslaus I [4], but the plan had failed through the opposition of the nobles, who feared an increase in the power and influence of the clerical order [5]—a significant indication alike of what the Universities had done for the clergy and therefore for the people elsewhere and of the causes which had kept Germany without a University for so long a period. It seems probable too that the scheme was connected, or supposed to be connected, with another project of Wenceslaus—the substitution of 'written laws,' which

Existing Studium Particulare.

Previous attempt of Wenceslaus I: opposition of the nobles.

[1] In 1248, after the capture of Prague by the Margrave Ottacar, we read that 'Studium Pragæ perit,' *Ann. Pragens.* P. i. ap. Pertz, *SS.* IX. 172.

[2] *Ep. Engelberti Abbatis ad mag. Ulricum schol. Wienn.* ap. Pez, *Thes. Anecd. Nov.* I. cc. 429, 430.

[3] Pez, *l. c.*

[4] *Chron. Aulæ Regiæ* ap. *Fontes Rer. Austr. SS.* VIII, ed. Loserth, (1885), p. 130.

[5] *Chron. Aulæ Reg.* pp. 130, 131.

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would practically mean the Civil and Canon Law for the customary law of the kingdom[1]. In 1346–7, however, Charles IV forwarded to the Pope a petition for a Bull of foundation. The Bull was issued by Clement VI in 1347[2], and in 1348 was followed by an Imperial charter, which not unnaturally shows the influence of Frederick's epoch-making charter for Naples—like Prague the capital of a national Sovereign who also wore the Imperial crown[3].

Foundation.

Importance of event.

All the conditions essential to the success of a University were present, and the new institution prospered from the first. The large number of German students who had previously found their way to foreign Universities only shows how many possible students must have been previously deterred by the distance and consequent expense. The bulk of the Germans at foreign Universities were probably young nobles and well-born or well-beneficed ecclesiastics: hence perhaps in part their exceptional privileges at Bologna and elsewhere. The erection of a University in Germany was therefore an event in the social as well as the intellectual emancipation of the German people: the 'career open to merit' was henceforth brought within reach of the sons of the tradesman and the artisan. Martin Luther could hardly have enjoyed a University education if he had had to go to Paris for it: and without a University education for Luther, and such as Luther, the German Reformation could not have been. From other points of view the growth of the German Universities exercised a less entirely favourable influence upon the national development. They are largely responsible for the ascendancy of Roman Law in Germany; an ascendancy which, however satisfactory from the point of view of the

[1] *Chron. Aulæ Regiæ*, pp. 129, 130. The Chronicler says that the nobles opposed this project 'ne . . . fructus, quem de abusivis eorum adinventionibus hactenus consueverant tollere, ipsis forsitan deperiret.'

[2] *Mon. Univ. Prag.* II. p. 219.

[3] *Mon. Univ. Prag.* II. p. 223. This Charter is granted by Charles as King of the Romans and of Bohemia, and confers all the privileges of Bologna and Paris. A purely Imperial Charter of 1349 conferred all the privileges ever bestowed by the Emperors on any University. *Reg. Imp.* VIII. (ed. Huber) No. 834.

scientific Jurist, has not always made for personal liberty or political progress[1].

Rapid success of University.

The foundation of the University came at a moment when the Bohemian nation was making immense strides in civilization and culture. The fourteenth century is the golden age of Bohemian literature: and the country is said to have been exceptionally well-provided with Grammar-schools[2]. We have fairly satisfactory means of tracing the progress of the University in numbers and popularity. All Faculties (except Civil Law) were represented from the first. A rectorial election was held in 1353, which probably indicates the actual opening of the University; and at that time there were five Masters of Theology, two of Decrees, one of Medicine, and several of Arts[3]. A roll of supplicants for benefices sent to the Roman court in 1355 contains the names of one Doctor and one Bachelor of Decrees, five Masters of Arts, and nineteen Bachelors of Arts (many of whom are described as 'actually teaching'), with a large number of students in various Faculties[4]: and later notices testify to gradually increasing numbers in the

[1] 'The universal employment of torture founded on an appeal to the Roman law and the Italian jurists; the Roman theory of the absolute freedom of the monarch in legislation; the principle of the jurists that every landlord on his own estate is to be held as supreme as the Roman Emperor himself; the privileges of the Roman Fiscus; the horrible doctrine of high treason, and the Draconian laws against it; and lastly, the legal axiom that the Sovereign is not amenable to the laws.' Döllinger, *Universities Past and Present*, translated by Appleton, Oxford, 1867, pp. 5, 6.

It may be doubted, however, how far the Roman Law did more than supply a vehicle for the expression of ideas whose growth was due to other causes. The same ideas were growing up in England (where the influence of the Roman Law was almost at its *minimum*), but the resistance offered to the Civil Law by our Common Lawyers was doubtless one of the forces which prevented their complete ascendancy.

[2] See Wratislaw's interesting *Native Literature of Bohemia in the Fourteenth Century* (London, 1878), p. 3 *sq.* Even within the single city of Prague there appears to have been a number of Grammar-schools attached to Parish Churches, the Master or *Rector Scholarum* being appointed by the Parish Priest. But after the foundation of the University, that body claimed a certain jurisdiction over them which led to collisions with the Plebani. (*Mon. Univ. Prag.* I. pt. ii. p. 242, III. p. 65; Tomek, p. 41).

[3] *Chron. Aulæ Reg.* p. 600.

[4] Denifle, I. pp. 593, 594.

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Faculties of Arts and Law from all parts of Germany[1]—especially after the year 1370. By the beginning of the following century contemporary chroniclers declared that the number of foreign students in Prague amounted to two thousand or more[2]. The total numbers of the University at this time cannot have fallen far short of four thousand.

Numbers.

Constitution.

It has been said above that on the whole the constitution of the University was framed on the Parisian rather than on the Bologna model. This statement, however, requires to be understood with certain modifications. The foundation Bull assigned the right of promotion to the Archbishop of Prague, and in the early days of the University's existence the Archbishop, in his capacity of Chancellor, exercised something of that paternal control over it which was exercised in the infancy of Oxford and Cambridge, and more permanently and successfully in French Universities like Montpellier and Angers, by their respective diocesans[3]. By its original constitution the University of Prague embraced all the four Faculties, as at Paris, under the government of a single Rector[4]. But the law-students became ambitious of the student-liberties enjoyed by their class at Bologna and Padua. Hence in 1372 they were allowed to form a separate University under a Rector of their own[5]. We do not possess any early Statutes of the Jurist University, but we may presume that its constitution was more or less influenced by Italian traditions.

Independent University of Jurists, 1372.

[1] See extracts from the Vatican Registers, Denifle, I. 594 *sq.*, and *Mon. Univ. Prag.* I. p. 133 *et passim*.

[2] See below, p. 226. Tomek (p. 38) estimates the average number of students between 1372–1409 at 11,000. This is far too high. The most trustworthy data are the facts, (1) that between 1397 and 1408, 844 persons graduated as Masters, and 3823 as Bachelors (*ib.* p. 30); (2) that 722 students were enrolled in one semester of 1374 (*Mon. Univ. Prag.* I. pt. ii. p. 240). For further discussion of the question, see below, chap. XIII.

[3] See, for instance, *Mon. Univ. Prag.* II. p. 229.

[4] So the *Chron. Univ. Prag.* (ap. Höfler, *Geschichtschreiber*, Th. I. p. 13). But the Chancellor's order of 1360 (*Mon. Univ. Prag.* II. p. 230), that henceforth 'in dicto studio sit unus rector et una universitas' (with a Vicar taken from the Faculty to which the Rector for the time being did not belong), would seem to imply that there had already been some controversy about the matter.

[5] *Mon. Univ. Prag.* II. p. 28; Höfler, *Geschichtschreiber*, II. p. 13.

Even the University of the other three Faculties was not a faithful reproduction of Paris. The Statute relating to the Rectorship is copied from the corresponding Statute at Bologna[1], and does not require the person elected to be a Master. It appears, however, that he usually, if not invariably, was so; and we have no evidence that students had a vote in his election or in other University Congregations. Each University was divided into four Nations, (1) Bohemia, (2) Poland, (3) Bavaria, (4) Saxony[2]. In the non-jurist University all its members belonged to the Nations, and not, as at Paris, the Faculty of Arts only. This constitutional change brought with it another. The special connexion of the Rector with the Faculty of Arts came to an end, and it was necessary for the Artists to have a Dean like the superior Faculties. The Heads of the Nations were usually called by the Bolognese name of Consiliarii, though occasionally styled 'Councillors or Proctors.' The Councillors, who were (it would appear) students or Bachelors, sat with the Masters in the Congregation or Council of the University[3].

Nations.

In the Council of the University the voting was by heads, in Congregation by Nations. All Faculties were apparently included in the Nations until the secession of the Jurists[4]. The University was, however, even more completely split up for practical purposes into distinct Faculties than the Mother University of Paris. These Faculties were at first composed of the whole body of Masters: but at some date prior to 1393 the ordinary business of the Faculty of Arts was entrusted to a Council consisting of the Dean and the Masters of four years' standing, the

Faculties.

[1] *Mon. Univ. Prag.* III. p. 1.

[2] Bavaria included the whole of South Germany; Poland included also Prussia and East Germany; Saxony the adjoining German States and the Scandinavian countries (*Mon. Univ. Prag.* III. p. 10; Tomek, p. 9). It does not seem clear whether at first the students voted on the election of Consiliarii, but certainly by 1415 the Masters appear to be the only electors (*Mon. Univ. Prag.* III. p. 46). Besides the Consiliarii we hear of certain *Directores* whose position I cannot precisely explain.

[3] *Mon. Univ. Prag.* III. p. 17.

[4] *Ib.* III. p. 17.

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'full Congregation' of the Faculty being summoned only for the admission of new Masters and Bachelors and on occasions of exceptional importance[1]. These constitutional changes we shall find reproduced with more or less fidelity in the other German Universities.

Jurisdiction.

The Rector had from the first jurisdiction in civil causes and 'injuries' over members of the University, subject to an appeal to the Chancellor[2]. In 1392 the University was exempted from the jurisdiction of the ordinary civil tribunals, and in 1397 the Court of the Rector and Consiliarii obtained an apparently unlimited jurisdiction—civil, criminal, and spiritual—over causes in which one party was a scholar, and the University was totally exempted from all Metropolitan and Episcopal jurisdiction by a Bull of Boniface IX, the Pontiff to whom Oxford owes a similar exemption[4].

Endowments.

We have seen that, though originally the Professors alike in the student and in the magisterial Universities were supported by the fees of their scholars, the system of salaried Professors early became characteristic of the Studia of the Bologna type. But while the Masters of Paris and Oxford long continued without direct salary (an indirect endowment was supplied by the Colleges), new Universities rarely succeeded without some kind of endowment. At Prague this was at first supplied from the Royal Exchequer: but after 1352, with the consent of the Archbishop, the expense was defrayed by contributions from the revenues of the Monasteries and Chapters throughout the kingdom[5]. Each of the Faculties was early provided with a building for its lectures[6]. A College (from the first supplied with a considerable library) was erected in 1366 for twelve Masters by the Founder of the University—perhaps incited to fresh liberality by the newly established

[1] *Mon. Univ. Prag.* I. pt. i. p. 93.
[2] *Ib.* II. p. 252; III. p. 5.
[3] *Ib.* II. p. 325.
[4] *Ib.* II. p. 370. This presumably did not supersede the jurisdiction of the Apostolic Conservators (*ib.* p. 346).
[5] Pelzel, II. p. 350; Denifle, I. 598. Fees were still paid by the students.
[6] Tomek, pp. 26, 27.

University of the Hapsburgs at Vienna—and this Collegium Carolinum was soon afterwards connected in an entirely novel manner with the Royal Collegiate Chapel of All Saints, the members of the academical College being appointed to prebends in the Chapel as they fell vacant [1]. It is observable that in one respect the Collegium Carolinum seems to have approximated to the Oxford model rather than to the Parisian, the vacancies being filled up by cooptation. The Hall of the College was the ordinary place of assembly for the University Congregations and other public functions. Residence in a College or a Hall kept by a Master or Bachelor was here required at a much earlier period than at Paris or Oxford [2]—another indication of the real supremacy of the Masters in spite of the democratic character of the Nations. A *Domus Pauperum* was established by a private founder in 1379. The College of King Wenceslaus was founded by that monarch about the year 1836; and in 1397 a College was founded for students from Lithuania and the surrounding countries by his kinswoman Hedvig, Queen of Poland [3]. Most of the Masters of Prague appear to have resided and taught in the Colleges; the College lectures were open to non-foundationers and were recognized by the Faculty: and, as the collegiate Masters lectured in Arts while pursuing their own studies in Theology, the Colleges supplied the place of an additional endowment to the University [4]. The example set by Charles IV was followed in the other German Universities. The German Colleges differed from those of Paris, Oxford, or any earlier University in being intended from the first as Colleges for teachers, and only secondarily (if at all) for students. They often formed part of the original plan of the Universities in which they were set up, and were at all events much more closely connected with the

Collegium Carolinum, 1366.

Other Colleges.

[1] *Mon. Univ. Prag.* II. p. 231 *sq.*; Pelzel, II. pp. 351, 405; Tomek, p. 21 *sq.*

[2] *Mon. Univ. Prag.* III. pp. 8, 9.

[3] Tomek, pp. 25, 27; *Mon. Univ. Prag.* II. pp. 359, 374. Cf. p. 221.

[4] The Bachelors of Arts took a much more important position in the teaching of the Faculty here than at Paris (Tomek, p. 29; Denifle, I. p. 593 *sq.*).

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University and enjoyed much less corporate independence than was the case at Oxford or Paris.

European importance of events at Prague.

For seventy years after its foundation the internal affairs of the University of Prague have an important bearing upon general European history. The University plays a conspicuous part in a great national and a great religious movement. The maturity of each of the foremost European Nations is marked by a profound intellectual movement, of which one of the results necessarily was a collision with the medieval ecclesiastical system. In France it came in the twelfth and thirteenth centuries, and was stamped out by the Albigensian Crusades and the Inquisition. In England it came in the fourteenth century, and was crushed out for the moment, and with it all the intellectual life of the great English University, by the persecution of Lollardism. In Bohemia too the fourteenth century was marked by a great outburst of national vitality. The Bohemian religious revival inaugurated by Milicz and Matthias of Janow was originally independent of the very similar Wycliffite movement in England, though it was only under the influence of Wycliffe that the movement advanced beyond the limits of medieval orthodoxy. At first, indeed, the academic culture of Prague had little connexion with the popular religious movement which was going on all the while in the University City; but ere long a national party grew up in the University itself, which was ultimately brought into connexion with the religious life outside in the person of John Hus, at once a Schoolman and a popular preacher, a reforming Theologian and a nationalist leader.

Quarrels between Czechs and Germans.

The first rumblings of a storm which was to convulse all Europe might have been heard in the intestine feuds of the Bohemian University. The older Universities were essentially cosmopolitan institutions: at Paris and Bologna students of all nationalities met and, in spite of occasional quarrels, managed on the whole to tolerate each other's existence. The division into formal 'Nations,' securing to the foreigners an equal or a preponderating share in the government no doubt largely contributed to this result. But

at Prague the Nation-organization threw the government of the University practically into the hands of a single nationality—the nearest neighbours and the bitterest foes of the Bohemian people. Two of the Nations, the Bavarian and the Saxon, were wholly German: while in a third—the Polish—the Teutonic element seems to have predominated over the Slavonic. But the most substantial part of the Czech grievance was that the Colleges, built by the Bohemian Kings Charles IV and Wencelaus, were being filled with German students. At last, in 1384, the smouldering feud broke out in a petition from the Bohemians to the King and the Archbishop. The Archbishop ordered that in future only Bohemians should be admitted to places on the College foundation, except in the absence of duly qualified candidates. The Germanic Nations appealed to the Pope, and meanwhile the German Rector ordered a suspension of lectures. The Bohemians disobeyed. The result was a series of disturbances of the usual medieval type, in the course of which the Rector himself was grievously maltreated. At last a slight concession was made to the Germans, but the dispute smouldered on till it was merged in the wider issues raised by the Hussite movement [1].

Reform movement at Prague.

When the quarrel broke out afresh, it was upon more serious ground. We have already had occasion to notice the importance of Universities as centres for the growth of reform-movements, particularly of Universities which possessed a Faculty of Theology. From the old religious orders no reform-movement could reasonably be expected: the Mendicants, who alone showed much pastoral activity, were the sworn champions of the Holy See and the friends of every popular superstition. When they revolted against authority, their revolt was not usually in the direction of greater enlightenment. It was only where there was a secular

[1] 'Quinque collegiatos Bohemos in collegio Karoli et sextum indifferentem admiserunt. Et conformiter in collegio Regis Wenceslai secundum numerum collegiatorum fuit concorditer pronunciatum.' Höfler, *l. c.* Th. I. p. 14. The documents are printed *ib.* Th. II. pp. 128–132. As to the exact nature of the compromise, see Paulsen's note, *Hist. Zeitschrift*, T. 45, p. 266.

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Faculty of Theology that any considerable number of instructed parish priests were to be found as distinguished from the clerical lawyers and administrators who appropriated to themselves most of the valuable preferments of the medieval Church. In Italy and in Spain, where Theology was abandoned to the Mendicants, no voice was raised against the Papacy and the myriad abuses which it sheltered. In England, on the other hand, Oxford had become the cradle of the Wycliffite movement. In France, the Theologians of Paris were even now agitating for the compulsory retirement of the rival Pontiffs and the suppression of the Curialist abuses. Prague became the scene of a reform-movement far deeper, more earnest, more closely connected with the popular religious life. The leading Theologians of Prague held parochial cures in the town, and preached in Czech to townsmen and students. Partly perhaps for this reason the reform-movement in the University confined itself to the Bohemian Nation. But in the factions of a medieval University it was almost inevitable that philosophical differences should play their part side by side with religious and racial animosities. We have already seen how the daring Nominalism of the fourteenth century spread from Oxford to the English and German Schools at Paris, how it was proscribed as a philosophic heresy, and how, in spite of proscription, it grew and spread and contributed, with the ecclesiastical controversies generated by the Schism, to reawaken the intellectual life of the University. When Prague took the place of Paris as the chief seminary of German ecclesiastics, Nominalism naturally took possession of its Schools. The attempts made at Paris to stifle Nominalism by authority may well have contributed to swell the numbers who elected to exchange the most famous University in the world for the new Imperial institution in the Bohemian capital. Among the Teutonic Nations at Prague Nominalism carried all before it[1]: and this was almost sufficient reason for the Czechs to turn

Nominalism *v.* Realism.

[1] A Statute of *circa* 1370 forbids the 'scandal,' 'quod magistri quæstiones Buridani et aliorum magistrorum accurtabant per januas inti-

Realist. Intercourse between Prague and Oxford is supposed to have been promoted by the marriage of Charles IV's daughter Anne with Richard II of England[1]. At all events, the philosophical writings of the great representative of the new post-Ockhamite Realism early found favour in the Schools of the Czech Masters. This Realism of the reforming Bohemian divines effectually tended to prevent the reform-movement spreading to the German Nations: it stamped the Bohemian reform-movement with that impress of nationality which it never lost. From about the year 1401 or 1402 the theological works of Wycliffe gradually began to circulate in Prague[2], and John Hus soon became prominent as the exponent, defender, and imitator of his writings. The reputation of Wycliffe as a Philosopher secured a welcome for his heretical Theology among the Bohemian Masters. Henceforth the faction fights that raged in the streets of the University town in the earlier years of the fifteenth century became a battle not merely of Czech against Teuton and of Realist against Nominalist, but of reformer against conservative, of heretic against orthodox[3].

Influence of Wycliffe.

The first open collision between the two parties occurred in 1408. Five years before, the University Congregation, upon the demand of the Chapter *sede vacante*, had formally condemned forty-six articles extracted from Wycliffe's

Condemnation of Wycliffe and resistance in University.

mando.' *Mon. Univ. Prag.* I. pt. i. p. 82.

[1] The high authority which Oxford enjoyed at Prague is illustrated by a Statute of the latter University passed in 1367, enacting that scholars who dictated books to their fellow-students (*pronunciatores*) were only to dictate works 'ab aliquo vel aliquibus famoso vel famosis de universitate Pragensi, Parisiensi vel Oxoniensi magistris vel magistro compilata,' while Bachelors were also required to confine their comments to the 'dicta' of such Masters. (*Mon. Univ. Prag.* I. pt. i. p. 13.) Cf. Loserth, p. 69 *sq.*

[2] As to the date and means of their diffusion, see Loserth, p. 71 *sq.*, and Mr. Poole's Introductions to *De Dom. Divino* and *De Dom. Civili.*

[3] How closely the two last antagonisms were connected may be inferred from the lines:—

'Facta nunc adultera profert realistas
Chymeras et vetera monstra Wyclevistas
Jam mater ignobilis, meretrix inmunda
Fel emittit heresis velut petram unda.'

Berichte d. deutschen Gesellschaft in Leipzig, 1840, p. 22.

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books. But the writings of the heresiarch continued to be read and taught in the Schools: and John Hus, Rector of the University in 1403, had ardently championed their orthodoxy. A second Congregation was held upon the subject in 1408, attended, it is said, by 64 Doctors and Masters, 150 Bachelors, and about 1000 Students. Again it was ordered that the incriminated articles should not be taught, but with the qualification, 'in their false and heretical sense'; Bachelors were also forbidden to lecture on the *Dialogus*, *Trialogus*, and *De Eucharistia*. The modified character of the condemnation shows plainly the strength of Wycliffite sympathies in the University. In the same year Wycliffe's books, which of course found no favour with the Bohemian hierarchy or with the mass of the parochial clergy, were condemned at a Synod: and all Masters, Bachelors, and students who possessed them were required to surrender them to the ecclesiastical authorities. As at Oxford in the time of Wycliffe, the reforming divines took refuge behind their academical privileges. There were, however, only five students (Hus was not among the number) who had the courage to refuse to surrender their copies, and to appeal to the Holy See against the Synodical decree as an infringement of the privileges of the University, and also on the ground that the definition of Eucharistic doctrine prescribed by the Synod was itself heretical[1].

The Schism.

But now the embroglio was complicated, and the inevitable catastrophe hastened, by the introduction of a political element into the struggle. The very year in which the heretical tendency of the Bohemian reformers first definitely proclaimed itself was the year in which a momentous breach was made in the system of medieval Christendom by the Cardinals of the Holy Roman Church itself. At a Council summoned by a section of the Cardinals of the two Obediences, both the rival Pontiffs were deposed and a new Pontiff elected under the title of

[1] These champions of orthodoxy had blundered into the assertion that nothing remained in the host after consecration but the body of Christ, thereby ignoring the doctrine of concomitance.

Alexander V. Wenceslaus, King of Bohemia, was still struggling for the Imperial Crown against Rupert, Count Palatine of the Rhine, who was favoured by the Roman Pope, Gregory XII. Hence the King was anxious to withdraw his realm from the allegiance of Gregory, and to proclaim its neutrality in the triangular contest for the Papacy. This design was vehemently opposed by the Archbishop and his clergy. In the University the measure was naturally welcomed as a step to the reform of ecclesiastical abuses by the Bohemians, and was consequently opposed by the German element. As, however, the Germans virtually commanded three votes in the University Congregations against the Bohemian one, the King could get no assistance from the academical body. Under these circumstances a deputation from the Bohemian Nation headed by Hus waited upon the King with the petition that the voting-power of the Nations should be altered so as to secure a preponderance for the King's own subjects. On Jan. 18, 1409, a Royal decree was issued which ordered that in future the Bohemian Nation should enjoy three votes, while the other three Nations were to have only one between them. The Germans promptly had recourse to the old weapon which had once proved so mighty an engine against Royal or civic tyranny in Paris and Bologna: they bound themselves together by an oath[1] to secede from Prague in a body if the decree were not withdrawn. A petition was sent to the absent King, and meanwhile his commands were contemptuously disregarded by the hitherto dominant majority. But the old weapons had lost some of their power; the decree was not withdrawn; national passions were becoming too strong for the continuance of the cosmopolitan Universities of the thirteenth century. At last on the 9th of May, the Masters were summoned to the hall of the Caroline College to hear the Royal decision. The German Rector was peremptorily ordered to surrender

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Royal decree against Germans, 1409.

[1] The oath, given in *Geschichtschreiber*, Th. II. p. 166, is a formal instrument before a notary, subjecting the violator to excommunication and a penalty of 60 marks.

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the insignia of office to a Bohemian nominated by the King. In one day Prague was forsaken by the vast horde of German students who had been attracted by the policy of the Bohemian Emperor-King to the City which he had designed to make the German as well as the Bohemian capital. To the number, it is said, of 5000, the Teutonic Masters and scholars departed; a few perhaps to reinforce younger Universities like Heidelberg and Cologne, a larger contingent to found at Leipsic the most illustrious of the ancient Universities of Germany proper[1].

Exodus of Germans.

Importance of this event on Hussite movement.

The German exodus from Prague constitutes something more than an epoch in the history of Universities and of the University system of Europe. A knowledge of the academic conflicts which terminated in May, 1409, is essential to a just appreciation of the general history of the period, and particularly of the causes which led up to the tragi-comedy of Constance and the darker tragedy which sealed the fate of the Bohemian nation. The final split between the German and the Czech elements at Prague was immediately occasioned, we have seen, by the ardour of the Bohemians for ecclesiastical reform. Although sympathizing more or less overtly with Wycliffe, Hus declined to follow him in his most startling heresy as to the sacrament of the Altar: the aims of his party were not very different (though its zeal was more unquestionable) from those of the small group of comparatively liberal divines which had at this time acquired so much influence in the Mother University of Paris. The revolt against the contending Pontiffs, which the Bohemians had joined and which the Germans

[1] Tomek, pp. 60–69; Docs. in Höfler, *Geschichtschreiber*, Th. II. 156 *sq.* The 15th cent. chronicler Procopius (*Geschichtschreiber*, Th. I. p. 70) says that over 2000 left in one day and went to Leipsic. Æneas Sylvius (*Hist. Bohem.* cap. 35) adds that 3000 followed shortly afterwards. The total number Höfler estimates at 20,000 (*Hus u. d. Absug*, p. 247)! But the 602 admitted at Leipsic (see below, p. 254, even allowing for a small proportion having found their way to Erfurt and Heidelberg (at neither is there any large increase of matriculations), do not support such an extravagant estimate. It is said that some of the students went to Cologne, but here there were only eighteen matriculations in June 28–Oct. 9, 1409, and but thirty in the following quarter (Keussen, *Matrikel d. Univ. Köln*, I. p. 112 *sq.*).

refused to join, was in the main the work of the University of Paris. Yet at this time we find the reformers of Paris joining with the anti-reformers of Germany to condemn and to burn the reformers of Prague. What is the explanation of this strange transformation? Partly no doubt the fact that the Bohemian movement represents a genuine outburst of popular religious fervour, while the Parisian movement was at bottom a merely ecclesiastical demonstration. The Bohemian movement seriously threatened the inordinate wealth, the luxury and immorality, the idleness and secularity of the clergy as a body: while the Parisian movement was little more than an outcry of the educated clerical class against abuses by which they did not profit. To some extent it is true also that the doctrinal heresies of Wycliffe (including, in some cases, his denial of transubstantiation) had found sympathisers at Prague, while the reformers of Paris were men of the most rigid orthodoxy. But the total absence of sympathy from first to last between the Hussite party at Prague and the Gerson party at Paris cannot be completely understood without taking into consideration the philosophical antagonisms of the Schools and the streets of the Bohemian University. By the time of the Council of Constance Nominalism was in the ascendant at Paris as well as in Germany. Hus was condemned almost as much for being a Realist in Philosophy as for being a heretic in Theology. By a strange irony of fate Hus, though he professed to accept the doctrine of Transubstantiation, was condemned because the Nominalists of the fifteenth century had persuaded themselves that a Realist could not firmly hold in its integrity a doctrine which owed its existence as an article of Faith to the extravagant Realism of an earlier age. And the outcry against Hus was of course largely the work of his old antagonists in the Bavarian, Saxon, and Polish Nations: the exiles from Prague had carried with them into their new Universities the tradition of hostility to Hus and the Bohemian reformers. At the Council of Constance the very men who had been beaten in the encounter with Hus

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and his party at Prague clamoured for his blood. The national insult of 1409 was wiped out at Constance. And the quarrel did not end at Constance. The Bohemian nation itself fell a victim to the racial animosities which had been so loudly emphasized and so sorely aggravated—though unquestionably they had not been engendered—in the scholastic debates, the academic parties, and the student street-fights of the Bohemian capital.

Rupture between Czech and Teuton inevitable.

Sooner or later the disruption of the bi-racial University was inevitable: Teuton and Czech could not live and study together in the same Schools. Even at the present day, beneath the strong hand of a military monarchy, the separation seems inevitable, and the Bohemian capital now embraces two distinct Universities, a Czech University which still holds aloft the standard of Nationality, and a German University ministering to the wants of students whose patriotism does not rebel against the wider culture to which the German tongue is now the indispensable key.

Progress of Hussite movement.

In the earlier stages of the reform-movement at Prague, the Bohemian element in the University appears as a united body. But, when Hus gradually drifted into open disobedience to ecclesiastical authority, the inevitable moment arrived when the more conservative or more lukewarm of his disciples were offended at him and walked no more with him. From about the year 1412, when Hus publicly disputed against the Papal indulgences granted in aid of the Crusade against Ladislaus of Naples, the Theological Faculty—that is to say, the Doctors—stood aloof. The ardour of these elderly reformers had been effectually cooled by a sharp touch of persecution. Hus's old Master, Stanislaus of Znaim (who had at one time gone to greater lengths in the direction of Wycliffism than his pupil) and his most intimate friend, Stephen Palecz, had been imprisoned at Bologna, when acting as his envoys to the Papal Court[1]. Henceforth the Theological Faculty proper became his enemies. But the University as a body—including, it must be remembered, all

[1] Tomek, p. 60 *sq.*

the younger Theologians, who were Masters of Arts and Bachelors or students in Theology—were in his favour. And their support was steadily continued throughout his trial and after his condemnation.

Sympathy with Hus.

To trace the various steps by which their sympathy was shown would be possible only in a special history of the University, and would almost involve writing the history of Bohemia during this momentous crisis in her national existence. Suffice it to say that the University as a body refused to submit to the Council of Constance as strenuously as they had refused to submit to the decisions of Archiepiscopal Synods or Papal delegates. In 1417 the privileges of the University were suspended by a decree of the Council; while the University unflinchingly maintained the principle of Communion in both kinds[1]. The revolt of Prague, not only against Ultramontanism but against what for want of a better term we may call Medievalism, was thus far more complete, as it was far more unanimous, than the revolt of Oxford in the days of Wycliffe.

Scholasticism unites with popular Religion.

It has been said that moral movements come from below, intellectual movements from above. The remarkable feature of the Oxford movement in the fourteenth century and the Prague movement of a generation later—a feature which completely distinguished them from the Gersonite movement at Paris—was that in them an intellectual current from above united itself with a moral current from below. Wycliffe and Hus were both of them great preachers and popular leaders as well as Professors, the creators of a vernacular literature as well as Scholastic Theologians. Both at Prague and at Oxford the movement was eventually suppressed because the two elements—the movement from above and the movement from below—could not hold together. At Oxford Wycliffe's teaching aroused or became identified with socialistic tendencies which alienated the Court and the upper classes of lay society generally. At Prague, after the revolt of Bohemia against the decrees of Constance, the University divines

[1] Höfler, *Geschichtschreiber*, Th. II. pp. 237, 243. Tomek, pp. 105–6.

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led a party of moderate reform, which failed permanently to control the popular movement which had been set on foot by its great Master. The fanaticism of the Taborites ruined the cause, and prepared the way for the humiliation of the Bohemian people, for the triumph of the Catholic, the anti-national, the Ultramontane reaction in the country whose heroic spirit had anticipated the final revolt of one half of Europe from medieval Christianity [1].

Influence of Universities on Reformation.

When the standard of revolt was raised once more, it was raised by the very nation which had most strenuously set itself against the Hussite movement. The Teutonic nation was the last of the nations of Europe to attain to moral and intellectual maturity: it was the last to assert its manhood by a rebellion against Roman usurpation, but it was the first to carry its revolt to a successful issue. The Reformation which succeeded, like the earlier reform-movements of the Middle Ages which had failed, was born in a University. There only were the culture and the learning, the leisure and the possibilities of co-operation, which were necessary for the growth of intellectual and religious revolt, found in union with that measure of liberty which was essential for an even temporary resistance to authority. The mass of the higher clergy was incapacitated for the work of reform, not so much because they were ecclesiastics as because they were primarily politicians and lawyers: the lower clergy were incapacitated by their ignorance and their obscurity: the monks by their wealth and their essential conservatism. An individual friar might, indeed, be a reformer, but the religious orders were opposed on principle to individual liberty, and were decidedly Ultramontane in their traditions, except when they were carried away by visionary and unpractical enthusiasms like those of the spiritual Franciscans and the Fratricelli. It is hardly too much to say that the existence of Universities—Universities of the northern type with secular faculties of Theology—made the Reformation a possibility.

One other feature of the Hussite movement serves to

[1] Höfler, *Geschichtschreiber*, Th. II. p. 475 *sq.*

illustrate an essential characteristic of the medieval University-system—the close intellectual solidarity which it established between the different parts of Europe. At the beginning of the fifteenth century it is true that the majority of average students in England, France, and Germany no longer went abroad to study. But the most enterprising students still, as a rule, studied, at one period or other of their career, in more than one University and very often in the Universities of more than one country. A distinguished teacher, anywhere but at Paris, was sure to promulgate his views, either personally or through some ardent pupil, in other Universities than his own. The Hussite movement, as a religious revival, was indeed of purely indigenous origin; but very early in its history it was profoundly modified by the intimate connexion which was kept up between Prague and Oxford. The use of Latin as the language of academical life threw open the lecture-rooms of a University to every part of Europe. The universal validity of the academic Licence made the teacher of one University a potential teacher in all others. Books spread from one country to another in a sense more easily before the invention of printing than after it: a single copy of an Oxford Master's lectures, carried to Prague in a traveller's baggage, could be instantly republished in the *scriptoria* of the University writers, and had not to wait for a translator[1]. In this way it came about that in the Middle Ages, ideas, systems, and movements spread more easily from Paris to Oxford or from Oxford to Prague than they spread at the present day from Berlin to Oxford or from Oxford to Berlin.

Intercourse between medieval Universities.

While it is the 'movements' which the Universities originate which constitute a large part of the interest of our subject, movements are by no means uniformly favourable to the quiet educational work which is the primary, though by no means the only, purpose for which Universities exist. The national movement of 1408 deprived Prague of its cosmopolitan character: the Utraquist move-

Condition of University during Hussite troubles.

[1] Cf. above, p. 223.

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ment of 1416 enormously diminished the influx of students. After the expulsion of the Catholics in 1419, the theological, legal, and medical Faculties seem to have almost ceased to exist. The men who came to the University only to advance their fortunes in the Church now advanced them best by staying away. After the siege of Prague by Sigismund promotions even in Arts were suspended for no less than ten years, though for the last seven years of that troubled period lectures were not wholly dropped [1]. During the course of the Hussite war most of the property of the University and its Colleges found its way into the hands of the Emperor and other lay owners. But the foundation of numerous Colleges during the latter half of the century [2] to some extent repaired these losses, and testify that the educational activity of the Utraquist University was not entirely suspended by the political and theological discords of the time.

New Colleges.

§ 2. VIENNA (1365).

Conspectus historiæ Universitatis Viennensis (Viennæ, 1722), is a book of Annals with copious extracts from the Registers and other documents. COLLAND, *Kurzer Inbegriff vom Ursprunge der Wissenschaften, Schulen, Akademien, und Universitäten in ganz Europa, besonders aber der Akad. und hohen Schule zu Wien* (Wien, 1796) contains a short summary of the University's history. GEUSAU, *Gesch. d. Stiftungen in Wien* (Wien, 1803) and HORMAYR, *Wien, seine Gesch. u. seine Denkwürdigkeiten* (Wien, 1823) have only short notices of the University. KINK, *Gesch. der Kaiserl. Univ. zu Wien* (Wien, 1854), is a satisfactory work with a large collection of documents. ASCHBACH, *Geschichte der Wiener Universität* (Wien, 1865), is a full account of the first century of the University's existence, chiefly from the point of view of the history of learning, with biographies of the Professors. Large extracts from the Matriculation-book and other documents are also printed by STEYERER, *Commentarii pro hist. Alberti II*

[1] Tomek, p. 108 *sq.*

[2] The Collegium Recek or Sanctissimæ Virginis, founded by the Archbishop John Recek de Ledecz (1438), and the Collegium Lundæ or Apostolorum (1439), were what was called at Paris *Colléges de plein exercice* (vol. I. p. 508); besides some smaller houses which merely lodged their scholars. One of these (Collegium Nazareth) was closely connected with Bethlehem Chapel, the scene of Hus's preaching, and the starting-point of the Hussite movement. *Mon. Univ. Prag.* III. p. 54. Volckman (p. 21) mentions a College of SS. Matthew and Matthias, and a Collegium Angelicum. Exhibitions were also founded by Adelbertus Ranconis in 1388 to enable Prague students to study at Paris or Oxford. See Loserth, pp. 40, 41.

(Lipsiæ, 1725, p. 410 *sq.*). The documents up to 1384 are also printed by SCHLIKENRIEDER, *Chron. Diplomat. Univ. Vindob.* (Viennæ, 1753): and the Statutes in KOLLAR, *Analecta monumentorum Vindobonensia* (Vindobonæ, 1761). There is an Article dealing chiefly with Vienna, *Über d. gesch. u. rechtliche Stellung d. Univ. in d. Kirche* in *Zeitschrift f. Kath. Theol.*, Wien, 1850. CHAP. IX, § 2.

Motives of foundation.

We have seen how closely connected with the political aims of the Emperor Charles IV was the foundation of the University of Prague. The inspiring motive of the second German University was no less political. It owed its origin to the most formidable rival of the Bohemian Monarchy in the Germanic commonwealth, the House of Hapsburg, whose jealousy had been recently stimulated by the precedence over all other Princes assigned to the Electors in the Golden Bull issued by the founder of Prague in 1356.

Existing School of S. Stephen.

The only previously existing nucleus for a University in the Austrian capital was the School of S. Stephen. From the end of the twelfth century we have frequent notices of an important school held in or close to S. Stephen's Church. By the Charter granted to the town by Frederick II in 1237 the School of S. Stephen's is to be placed under the authority of an officer—afterwards called Scholasticus or Rector[1]—to be appointed by the Emperor with authority to appoint other Masters[2]. Albert I[3] gave the nomination to the Town Council. The School enjoyed some reputation at the end of the thirteenth and the beginning of the fourteenth centuries; the praises of

[1] So Denifle (I. p. 604) calls him. In the Charter of Albert III (Kink, II. p. 63) he is called 'Rector Scholarium Sancti Stephani.'

[2] 'Volentes etiam commodo studio prouideri . . . potestatem damus plenariam magistro, qui Wienne per nos vel successores nostros ad scholarum regimen assumetur, ut alios doctores in facultatibus substituat de consilio prudentum uirorum ciuitatis eiusdem, qui habeantur sufficientes et idonei circa suorum studium auditorum.' *Archiv für Kunde österr. Geschichtsquellen*, X. 1853, p. 126.

[3] Document in *Sitzungsberichte d. Kais. Acad. d. Wissensch.* (Phil-hist. Cl.) XIII. (Wien, 1854), p. 337: 'So geben wir vollen gewalt dem Schulmaister datz Sant Stephan der Pfarrechirchen, der von dem rate der Stat de wirt gesetzet ze schulmaister, ander Schul under sich ze stiften in dem stat, und doch der si erleich und gewohnleich sein . . . Swer dauider dehain Schul ze seiner Chirchen oder in seinem hause hiet wider des Maisters willen und der purger, daz sulen di Purgo wenden mit allen sachen.' The true date appears to be 1296, though the editor gives 1196.

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the then Scholasticus, Ulrich, are sung by a poet, who describes clerks from all parts of the world as flocking to hang on the Master's lips [1]. Some allowance must, however, be made for the rhetoric of a pupil addressing complimentary verses to his Schoolmaster; but an allusion to 'Faculties' shows that the School was something more than a mere Grammar-school.

First foundation of University by Rudolf IV, 1365.

The foundation of a University is due to Duke Rudolf IV. His charter was issued in 1365. It does not follow the model of any earlier charter of the kind, but contains a very ample grant of privilege and fixes the constitution of the University in much detail [2]. It orders that a 'general and privileged Studium' shall henceforth be established in Vienna, 'according to the ordinances and customs observed first at Athens, then at Rome, and after that at Paris.' It is needless to say that the influence of the last mentioned University is more distinctly discernible in the Rudolfian constitution than that of its supposed predecessors. The constitution prescribed by Rudolf is the Parisian constitution with a few modifications. The ancient Town Church of All Saints (more usually known as S. Stephen's [3]) was to be made Collegiate, and its Provost to become Chancellor of the University: the University Chest was to be placed in its Sacristy.

Proposed organization.

The anomalous arrangement by which at Paris the Four Nations of Artists elected the Rector of the whole University is perpetuated at Vienna, the Nations being styled (1) Austria, (2) Saxony, (3) Bohemia, (4) Hungary [4]. The main difference between the system established at Vienna by Rudolf and that which had grown up at Paris was in connexion with the administration of justice. The Viennese students enjoyed much more extensive exemptions than the Parisian. Charges against a Master or a scholar, which would be capital in the case of an unprivileged lay-

[1] Ap. Leyser, *Hist. poetarum et poematum medii ævi*, p. 2034, l. 647 *sq.*

[2] Printed by Kink, II. pp. 1–24.

[3] Schlikenrieder, p. 142.

[4] The division was made by the first Statute of the University, passed in June, 1366. Kink, II. p. 32.

man, were to be tried, not (as at Paris) by the Bishop, but by the Chancellor [1]. Other criminal charges and civil plaints were to go before the Rector, who had also jurisdiction in ordinary civil actions and minor criminal charges where the plaintiff was a scholar. More serious offences against a scholar were to go before the ordinary secular courts [2], but a special scale of punishment—a curiously minute *lex talionis*—is prescribed for the punishment of such crimes [3]. A number of special and unprecedented privileges are conferred for the protection of scholars and the benefit of the University. Property confiscated for outrages on scholars was to be divided between the University and the injured party. The assailant of a scholar lost the benefit of sanctuary. Special protection in travelling was promised with the usual exemptions from tolls and municipal taxes. If a scholar was robbed, the Duke would compensate the loss. In Vienna itself a special quarter of the town was granted for the accommodation of students with a right to demand such houses as they pleased for their residence, the rent to be fixed by the usual method of arbitration. The system of a specially assigned students' quarter (which had grown up spontaneously in the older Universities) was, it will be remembered, artificially reproduced in some of the Spanish Universities; and it was no doubt a measure highly conducive

[1] One exception to the extensive protection accorded to students is too significant of the actual condition of student and clerical morality to be omitted: 'Sane ut magis disciplina Scholastica clericalis religionis, Katholice institucionis ac humane discrecionis cerimonie a membris dicte Vniuersitatis purius et rigidius obseruentur, declarantes presentibus quo supra nomine volumus, quod si quis in Magistrum uel studentem dicte Vniuersitatis sue honestatis et salutis immemorem cum sua uxore agentem turpiter deprehensum manus violentas iniecerit uel sibi offensam irrogauerit, pro eo per nos, Rectorem uel ipsam Vniuersitatem non est aliqualiter puniendus, Nolentes aliquam personam dicte Vniuersitatis quo ad hunc casum indultis sibi priuilegiis et iuribus perfrui et gaudere' (*l. c.* p. 18).

[2] 'Exceptis duntaxat causis mortis et criminibus honorem seu famam rei concernentibus.'

[3] *e.g.* 'Si quis Magistrorum uel Studencium ab ullo sauciatus uel ex violenta manuum uel pedum incussione taliter lesus fuerit, quod ex eo membrorum suorum officia non amittit, quod eidem Lesori pro eo deprehenso debet manus pugione transfigi, nisi id redimat quadraginta marcis argenti' (*l. c.* p. 14).

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to the security of the students and the peace of the town. But at Vienna this Latin quarter was by the terms of Rudolf's Charter positively to be fortified against assailants by a special wall. It was recognized that students in a medieval city required as much protection as Christians in modern Turkey or Jews in modern Russia.

Bull of Urban V, 1365.

Before the issue of Rudolf's Charter, the consent of the Pope, Urban V, had been obtained [1], and shortly after it (1365) a Papal Bull of foundation of the usual type was granted [2]. In one point there is a discrepancy between the terms of the Ducal and the Papal Charters. Rudolf provided for a Theological Faculty: Urban V expressly excluded Theology from the Faculties in which the ecumenical Licence might be granted at Vienna. The Popes had begun to relax their earlier policy of confining theological graduation to Paris, but not in all cases. Prague had been granted a Theological Faculty from the first: and it was through the intrigues of that University and its Imperial patron that a similar concession was not granted to Vienna. Charles IV had gone in person to Avignon to prevent the erection of any University at all at Vienna, but had to content himself with this very modified triumph [3].

Failure.

We are by this time familiar with the difficulties which, except under peculiarly favourable circumstances, attended the establishment of a new University. Ample endowments were absolutely essential to secure Professors whose reputation would attract students. Rudolf's foundation (unlike the more successful venture of Charles IV at Prague) consisted chiefly in the grant of paper-privileges. Of more substantial assistance we hear nothing, except the impropriation of a single benefice, which was to take effect on the resignation of the then incumbent, Albert of Saxony [4]. Above all, the University lost its founder in the very year of its birth.

[1] Denifle, I. p. 605; Doc. in Kink, Tom. I. pt. ii. p. 1, from which also it appears that the Municipality had granted privileges to the projected University.

[2] Kink, II. p. 26.

[3] Aschbach, p. 17.

[4] Doc. in Kink, II. p. 34. Four Proctors are mentioned in the Stat. in Kink, II. p. 40, but it is not clear whether they were Masters or students.

From that time till 1383 Austria was distracted by the dissensions of the rival Dukes, Albert III and Leopold III, between whom Rudolf had divided his dominions. During the civil war neither brother was likely to concern himself much about academical affairs. As a matter of fact we do not know the name of a single Master who taught at Vienna in the earliest years of the University, except the first Rector[1], Albert of Saxony, a former student of Prague and M.A. of Paris[2], to whom, in consultation with the Ducal Chancellor, the Bishop of Passau, the arrangements for the foundation of the University had been entrusted. From 1366 to 1377 no documents are forthcoming except a deed of 1370 for the foundation of a small College[3]. That document is sufficient to show that the University was at the very lowest ebb, and that the possibility of its actual extinction was contemplated. From 1377 to 1383 a fragmentary Matriculation-book supplies somewhat clearer evidence of a continued though very feeble vitality[4].

Revival by Albert III, 1383.

In 1383 Albert III came into possession of the whole Austrian Dukedom, and from that year the University dates its regeneration. The moment was an auspicious one for the revival of a German University. Paris was still distracted by the disputes which the Schism of 1378 had brought with it. The German Masters were more or less decidedly in favour either of neutrality or of the recognition of Urban VI, and found it difficult to maintain their independence in opposition to the pressure put upon them to declare for the French Pope, Clement VII. Moreover, by remaining dissentient members of a University which as a body adhered to Clement VII, they would lose all hope of preferment by means of the *Rotulus Beneficiandorum*. Hence about the year 1383 the Duke found it easy to attract to Vienna the distinguished Doctor of Theology, Henry of Langenstein, one of the strongest opponents of Clement at Paris[5]. Henry

[1] Steyerer, *Commentarii pro hist. Alb. II.* (Lipsiæ, 1725), pp. 429, 453.

[2] Aschbach, p. 12.

[3] A College of Bachelors, founded by Master Albert, Pastor at Gars, in 1370. Hormayr, V. p. clxxiv.

[4] Steyerer, *l. c.*, p. 455.

[5] There is no positive evidence of an actual institution by the Duke. See Denifle, I. pp. 618, 619.

CHAP. IX, § 2.

became the 'soul' of the new University[1]. Other Masters followed him. In the year 1384 a new Ducal Charter of Privilege was issued, a Papal Bull was procured authorizing promotions in the Theological Faculty, not under the Chancellor but under the Provost of All Saints[2], and the real life of the University began.

Albertine reorganization.

The Rudolfian constitution was the work of the Master of Arts, Albert of Saxony; the Albertine was mainly inspired by the Theologian Henry of Langenstein[3]. The former preserved in the main, the latter entirely destroyed, the anomalous ascendancy enjoyed by the Faculty of Arts at Paris. As at Prague, the Rector and Proctors might now be elected from any Faculty[4], so that the superior Faculties are included in the Nations. This measure made it necessary for the Faculty of Arts to have a Dean of its own. In the method adopted for the endowment of the University, too, the influence of Prague is unmistakable. A Collegium Ducale is founded to house twelve Masters of Arts and two or three of Theology: and the College is to be connected with the Collegiate Chapter of All Saints, in exactly the same way as the Carolinum of Prague was connected with the Church of All Saints at Prague. The members of the Collegium Ducale were to succeed to the vacant Canonries. The town Grammar-school of S. Stephen's was also incorporated with the University, which was henceforth to have the appointment of its Rector and the three other Masters[5]. At the same time the connexion with the Municipality was

Collegium Ducale.

[1] Hartwig, *Henricus de Langestein dictus de Hassia*, Marburg, p. 37 *sq.*

[2] 'Prout in Bononiensi uel Parisiensi aut Cantabrigie uel Oxoniensi Studiis generalibus in similibus est fieri consuetum.' Doc. in Kink, II. p. 46.

[3] Doc. in Kink, II. pp. 49-71.

[4] The Statutes prescribe an elaborate system of rotation among the Faculties, so that each Faculty has one Proctor. Kink, II. p. 79.

[5] The Rector's salary was to be 'triginta due libre preter accidentia Chori Sancti Stephani': of other Masters (each) 'sedecim libre denariorum Wiennensium.' These were to be Masters of Arts: the Masters of the other Schools in the town ('Rectorem Scholarium ad Sanctum Michahelem, et in Hospitali, necnon et quibuscunque aliis') were, if they pleased, to enjoy the privileges of the University. No new School was to be set up without leave of the Rector (*l. c.* p. 63).

kept up by the appointment of a Conservator of Privileges from among the Royal nominees in the Town Council. CHAP. IX, § 2.

In the year after the foundation (1384) the Duke granted a formal licence to the University to make Statutes for itself. A code of general Statutes for the whole University was drawn up in the following year, and in 1389 Statutes for the respective Faculties[1]. Statutes.

Since in the infancy of the University the number of Masters might be insufficient to form a Congregation, it is enacted that 'till Masters and Doctors be sufficiently multiplied,' Bachelors shall have seats in that Assembly[2]; and provision is made against an individual Master exercising the vote of a whole Faculty[3]. It should be noticed that the division into Nations adopted by the Rudolfine constitution is slightly modified in the Albertine. The Nations are now styled: (1) the Austrian (including Italy); (2) the Rhenish (including Western Germany and all Western Europe); (3) the Hungarian (embracing also all Slavonic nationalities); (4) the Saxon (including Northern and Eastern Germany, the Scandinavian kingdoms, and the British Isles)[4]. Altered position of Faculty of Arts.

Vienna, after the Albertine reorganization, was still in the main a University of Masters. But its constitution admits the students to a larger share in the government of the University than was the case at Paris or Oxford. They have no share in legislation: but they have apparently[5] a vote in the election of Proctors, and are eligible to the office. The importance of the Proctors is, indeed, to a considerable extent modified by the transfer of many of their functions to the Deans: but they still elect the Rector, who, though no longer the President of the Faculty Albertine Constitution.

[1] Kink, II. pp. 72, 73 *sq.*, 95 *sq.*

[2] Kink, II. p. 83. It seems that this transitional state of things passed away, at least as regards the Faculty of Arts, before 1389 (*ib.* p. 184). In the Faculty of Law, Licentiates apparently had votes, but not Bachelors (*ib.* p. 138).

[3] Kink, II. p. 86.

[4] *Ib.* p. 51.

[5] The Statutes are not clear on this point; but they do not limit the power of voting to Masters. As a matter of fact, Scholars were rarely elected. See the lists in Aschbach, p. 593.

CHAP. IX, § 2. of Arts, remains the Head of the whole University; and the Rector and Proctors, together with the Deans, form the 'Consistory' or Executive Council. In many other respects we notice an infusion of Bologna ideas in the University institutions. There is far more magisterial discipline at Vienna than at Bologna or Montpellier, but perhaps rather less than at Paris and Oxford. Marriage, though married students are described in the registers in a by no means complimentary manner, is not absolutely a bar to graduation [1].

Curriculum. The educational system of the University is likewise Parisian. But whereas the official Arts curriculum of Paris consisted, as we have seen, almost entirely of Aristotelian treatises, Vienna is less conservative, and introduces, in addition to the books of the Paris course, several modern books, which were no doubt in extensive use at Paris, but were not 'taken up' for the schools, such as the Summulæ of Petrus Hispanus, and a much larger amount of Mathematics than appears (though the point is not quite clear) to have been exacted at Paris [2]. 'Some book of

[1] Under 1397 there appears the entry 'Baccalarius Johannes de Bertholtzdorf, primus qui duxit uxorem.' Again, 'uxorem duxit versus in dementiam.' Kink, I. pt. i. p. 133. In the Statutes of Ingolstadt, a University modelled on Vienna, absence from lecture is (in 1526) condoned 'si quis sanguinis minutione aut propter honestas nuptias ... impediretur.' Prantl, *Gesch. d. Un. Ingolst.* II. p. 178.

[2] For B.A.: 'Debet audiuisse..Summulas Petri Hyspani, Supposiciones, Ampliaciones et Appellaciones, Obligaciones, Insolubilia, Consequencias, Veterem artem, Priorum, Posteriorum, Elencorum, Physicorum, De Anima. Spheram, Algarismum, Primum librum Euclidis, aut alios libros equiualentes'; together with 'Primam et secundam partem Doctrinalis, Secundam partem Grecismi, Vnum librum in Rhetorica.' These last might be heard 'vbicunque,' *i. e.* not necessarily 'in scolis publicis alicuius Vniuersitatis.' Kink, II. p. 189. The Licence Examination further included 'De Celo et Mundo. De Generatione et Corrupcione. Meteora. Parua Naturalia communiter legi consueta. Theoricas Planetarum. Quinque libros Euclidis. Perspectiuam communem. Aliquem Tractatum de Proporcionibus, et aliquem de Latitudinibus formarum. Aliquem librum de Musica et aliquem in Arithmetica. Sex libros Ethicorum, Metaphysicam et Topicorum.' *Ib.* p. 199.

The table of lecture-fees given in the same Code (p. 213), contains several books not mentioned in the above list, *e.g.* 'Politicorum decem grossi ... Yconomicorum duo grossi. Boethius de consolacione philosophie quinque grossi . . . Proporciones

Music' is also required. In some of these innovations it it possible that we may trace the influence of Oxford transmitted to Vienna by the Englishmen[1] and other members of the English Nation at Paris who were the first Masters of the University of Vienna. Possibly the influence of Oxford may be traced also in the conferment of regular degrees in Grammar, of which we hear nothing at Paris[2].

Of later accessions of privilege, two only need be mentioned—the appointment of the Bishops of Ratisbon and Olmütz and the Abbot of the Scots' monastery in Vienna as Papal Conservators in 1411[3], and the conferment of spiritual jurisdiction upon the Rector by Martin V in 1420, a jurisdiction which, however, does not seem to have excluded that of the diocesan, the Bishop of Passau[4]. At some time before the end of the fifteenth century a general superintendence of the University, including the payment of the *Stipendia*, was entrusted to certain 'Superintendents' commissioned by the Archduke.

Later Privileges.

The decline of Prague in consequence of the Hussite

longe Bragwardini tres grossi . . . Summa Naturalium Alberti quatuor grossi.' The fees vary from twelve *grossi* (for the Ethics) to two. A scale is also given for 'particularia siue Cameralia exercicia . . . in questionibus consuetis seu precognitis' (p. 215): *e.g.* 'Magister disputans in priuato exercicio questiones Byridani . . . habeat de ipsis octo libris physicorum Viginti quatuor grossos a quolibet exercitancium' (p. 216). The fees are throughout much higher. The prominence of these 'private lectures' (A.D. 1389) affords interesting evidence of the progress of College teaching at Paris. Cf. the Stat. of 1413 (*l. c.* p. 254) which enforces attendance at the 'exercitium Bursale' (*i. e.* disputations in the Bursæ or Halls) every evening. In 1509 students were further required to attend the private grammar-lessons (*Resumptiones*) of a Master (p. 317).

[1] Aschbach, p. 31.

[2] The Stat. of 1428 is the earliest allusion to such degrees that I have been able to find in any University North of the Alps (Kink, II. p. 274; 'baccalariatus in grammatica'). Maximilian I, in 1501, founded a 'Collegium poetarum,' including a 'lector ordinarius in poetica,' with authority to examine and to confer the 'laurea' upon aspiring poets approved by him (pp. 305–7). The word 'Poeta' was of course used very much in the sense of a 'classical scholar' as opposed to the Logician or Scholastic Philosopher.

[3] Kink, II. p. 238.

[4] Kink, II. p. 269. (Cf. *Conspectus*, II. p. 32.) The exact extent of his jurisdiction is not clear, and he certainly had great difficulty in enforcing it. Vienna had no Bishop till 1480.

CHAP. IX, § 2.

troubles put Vienna at the head of the German Universities[1]. Vienna long resisted the tendency observable in older German Universities towards the concentration of power in the hands of an inner circle of senior Masters. It was not till 1458 that it was proposed to deprive the Masters of Arts of their votes, though not of seats, in the Council of the Faculty and in the Congregation of the University. The three superior Faculties voted for the measure, but the young Masters of Arts had a majority in their Faculty, and refused to vote their own disfranchisement. A threat of appealing to the Holy See induced the other Faculties to consent to reduce the period of exclusion from six years to four[2]. Later we hear of a University Council composed of the 'Seniors of all Faculties[3].'

§ 3. ERFURT (1379, 1392).

MOTSCHMANN, *Erfordia literata*, Erffurtta, 1729. WEISSENBORN, *Acten der Erfurter Univ.* in *Geschichtsquellen der Provinz Sachsen*, VIII. (Halle, 1881). In the last-mentioned work is printed the Statute-book of 1347, a project or short draft for the original Statutes made before the actual beginning of the University, and the Matricula. The same writer's *Hierana*, I. II. (*Beiträge zur Gesch. des Erfurtischen Gelehrtenschulwesens*, Erfurt, 1862 and 1872) deals chiefly with the post-Reformation Grammar-schools. He has also published *Amplonius Ratingk u. seine Stiftung*, Erfurt, 1878, and *Die Urkunden für d. Stift. des Amplonius Ratingk*, Erfurt, 1879. Denifle's section on Erfurt (I. 403) is largely based on unpublished documents. KAMPSCHULTE, *Die Univ. Erfurt in ihrem Verhältnisse zu dem Humanismus und der Reformation* (I. Trier, 1858) of course refers chiefly to a later period.

Ancient Schools of Arts.

The origines of the University of Erfurt are perhaps more interesting than those of any other German University. The Schools of Erfurt (a town comprised in the territory of the Archbishop of Mainz), though not the first to acquire University rank, may claim a greater antiquity than

[1] *Conspectus*, II. p. 62a *sq.*

[2] *Conspectus*, I. pp. 183–186. The excluded Masters were allowed to speak by permission of the four senior Masters. They were further excluded from votes for a fifth year 'in graciosis,' *i. e.* in granting dispensations.

[3] *Conspectus*, II. p. 31 (1480).

any other Schools of the same calibre in Germany. Towards the end of the twelfth century the conventual Schools of the place were of considerable importance, though by this time secular students were excluded from them in accordance with the custom which had become or was becoming universal throughout Europe [1]. In the middle of the following century we read of 1000 boys studying in the town [2]. Many of the churches had *Magistri Scholarum*, and at the end of the thirteenth century (and probably throughout that century) the four 'Principal Schools' of Erfurt, *i. e.* the Schools of the four Collegiate Churches of the place, had been Schools of Arts in the fullest sense, and not mere Grammar-schools, and were united together by some kind of organization under a *Rector Superior*; they were governed by Statutes made by the Chapters and approved by the Archbishop of Mainz [3]. To such an extent had these Schools assumed a University character, that the place appears to have been popularly spoken of as a Studium Generale, at least by its own ambitious officials. At all events in a Roll of supplications for benefices sent to Urban VI by German Masters in 1362–3, the then Rector, Henry Totting, procured the insertion of his name as 'Rector superior studii generalis et solennioris Alamannie artium Erfordensis [4].' The fate of the petition is an instructive illustration of the notions by this time attached to the conception of a Studium Generale. In the thirteenth century the Studium of Erfurt would probably have been recognized as 'general,' in the technical sense of the word,

Disputed claim to be Studium Generale.

[1] Doc. in Denifle, I. 403.

[2] Denifle, I. 404, refers to *Chron. Ecclesie* (ed. Wegele, Jena, 1855, p. 354 *sq.*). The same number is given at the end of the century by the versifier Nicolas de Bibera, ap. *Geschichtsquellen der Prov. Sachsen.* Halle, 1870, I. p. 90. From the earlier part of the same poem, it would seem that Classical studies were pursued at Erfurt almost as extensively as at Orleans; but see Denifle's remarks (I. p. 404).

[3] 'Anno 1293 facta fuerunt statuta pro scholaribus et Rectoribus Scholarum Erffordiæ per omnia ibi Capitula; et per judices S. sedis Moguntinæ confirmata: quæ merito starent et servarentur in omni schola.' *Chron. Engelhusii*, ap. Leibnitz, *SS. Rerum Brunswic.* II. (Hanoveræ, 1710), p. 1123.

[4] Denifle, I. 406.

CHAP. IX, § 3. except perhaps for the non-existence of one of the superior Faculties[1]. But now the rival applicants for benefices lodged a complaint against the petition of Henry Totting as 'surreptitious,' on the ground that he had described himself as the Rector of the University[2] of Erfurt, when in fact no University existed in that town. A few years later the Emperor wrote to the Pope in support of the applicant's petition, and in his letter describes the school as a Studium Generale 'according to the custom of that and of other surrounding countries[3]'; but he does not defend the technical accuracy of the description. The recognition of its position had not been sufficient to constitute a Studium Generale *ex consuetudine*. In particular it had never received (like the acknowledged Studia Generalia *ex consuetudine*) any grant of privilege; and by this time privilege had come to be regarded as of the essence of a Studium Generale. Moreover its teachers appear to have come from Paris and other Universities, so that it is doubtful whether at this time graduation was practised at Erfurt.

[1] Denifle (I. p. 409) suggests that it is possible that in the thirteenth century, when the use of the term originated, Law or Theology was taught here, and that it was then a Studium Generale *ex consuetudine*. Kaufmann dogmatically pronounces that Erfurt was a Studium Generale (*Deutsche Zeitschrift f. Geschichtswissenschaft*, I. pp. 146–150), ignoring the opposition to its claims and the qualification 'sec. usitatam loquendi consuetudinem illius patrie.' The fact is, Erfurt was in the fourteenth century a Studium Generale in the thirteenth-century sense, not in the technical sense of the fourteenth century, which implied the *jus ubique docendi*.

[2] 'Rector Universitatis studii Erforden.' (Denifle, I. p. 407.) As a matter of fact he had used the term 'studium generale,' not 'universitas studii'; the circumstance is interesting as showing how completely the latter term had come to have the same meaning as the former.

[3] Denifle (I. 407) prints an interesting extract from this unpublished document: 'Quia in dicto loco Erforden. secundum usitatam loquendi consuetudinem illius patrie et aliarum circumiacentium dicebatur, prout adhuc dicitur, esse studium generale propter magnam studencium multitudinem, qui ad prefatum locum plus quam ad aliquem alium locum tocius Alamannie confluere consueverunt, et eciam ex eo, quia ibidem sunt et fuerunt quatuor scole principales, in quibus philosophia tam naturalis quam moralis cum aliis libris arcium copiose legebatur, quarum scolarum superiorum prefatus Henricus rector existebat, licet ibidem non fuerit nec adhuc sit universitas privilegiata.'

CHAP. IX, § 3.

The foundation of Prague and Vienna naturally inspired in the students and citizens of so ancient and distinguished a Studium a desire for University privileges. A Bull of foundation was granted by Clement VII in Sept. 1379[1]. But no important change seems to have immediately taken place in consequence of the new charter. The first Rector was not elected till 1392, after the foundation of two more German Universities at Heidelberg and Cologne[2]. Meanwhile, the city had been transferred to the obedience of the Roman Pontiff. A new Bull was accordingly, in 1389, procured from Urban VI, which naturally took no cognizance whatever of the previous charter from the Avignon Antipope[3]. As a matter of fact, however, the University appears to have dated its own existence from the earlier Bull; for the provisions of the former as to the grant of the Licence were still enforced, and the change introduced by the latter entirely ignored. Urban VI had assigned the right of promotion to the Dean of the Collegiate Church of S. Mary's in Mainz; while as a matter of fact the Archbishop of Mainz retained the rights of Chancellor in accordance with the provisions of the Clementine Bull.

Bull of Clement VII, 1379.

Not executed till 1392.

Bull of Urban VI, 1389.

The University of Erfurt is the first University of the Parisian type in whose constitution the four Nations disappear altogether[4]. The place of the Proctors is to some extent taken by the two *Consiliarii* from each Faculty[5]. The Rector may be chosen from any Faculty; and, in consequence, the Faculty of Arts naturally has a Dean as well as the other three. As at Prague and at Vienna, the University or rather the higher Faculties were endowed by

Constitution: no Nations.

[1] Motschmann, I. 18; Weissenborn, *Acten*, I. p. 2: 'Ut in eodem oppido de cetero sit studium generale . . . in grammatica, logica, et philosophia nec non in juribus canonico et civili et etiam in medicina et qualibet alia licita facultate.' The order in which the Faculties are mentioned is, Denifle tells us, unique, and points to the pre-existing Schools of Philosophy.

[2] *Acten*, I. p. 36.

[3] *Acten*, I. p. 3. Father Denifle places the University after Heidelberg and Cologne, though it is elsewhere his practice to date a University from the issue of the first Bull of foundation, even if it remained long unexecuted.

[4] *Acten*, II. p. 2.

[5] *Ib.* I. p. 17.

CHAP. IX, § 3. Jurisdiction.

the annexation of prebends in the Churches of S. Severus and S. Mary's in Erfurt [1] to Professorial chairs—a method which became universal in German Universities. The judicial power over scholars was divided—probably very much on the Parisian lines—between the Ordinary, the Rector, and the Apostolic Conservators; but the Rector could cite a townsman, as he could not at Paris, for an offence against a scholar, and the scholar's right to be tried by his own Master is to some extent recognized [2]. It is not always possible to define the exact limits of the Rectorial jurisdiction in German Universities; but speaking generally, we may say that the judicial powers of the Rector made some nearer approach to those of the Oxford Chancellor than was the case with the Parisian Rector. He did not always, however, possess direct spiritual jurisdiction.

Colleges.

The earliest College, the Collegium majus, for Masters of Arts perhaps dates from the earliest days of the Studium [3]; the Collegium Amplonianum or Porta Cæli, for Jurists, was founded by the ex-Rector Amplonius Ratingk in 1433 [4].

Growth.

In the first year of its real existence as a Studium Generale 523 persons matriculated at Erfurt [5]. The matriculations show that the academic population must have been usually considerably above that number in the succeeding years. In 1409 the influence of the German exodus from Prague is just traceable [6]; but after that the numbers fall off, no doubt owing to the competition of Leipsic. The period of the greatest prosperity and importance of Erfurt was not reached till the middle of the fifteenth century, when it was the scene of the teaching and studies of one of the most distinguished precursors of the Reformation—John of Wesel [7]. It was thus perhaps something more than an accident that Erfurt was the University of

[1] *Acten*, I. p. 25.

[2] *Ib.* I. pp. 12, 21, 28.

[3] *Ib.* II. p. 8.

[4] *Ib.* I. p. 43. On Ratingk, cf. the Vorwort to Schum, *Beschreibendes Verzeichniss d. Amplonianischen Handschriften-Sammlung zu Erf.* Berlin, 1887.

[5] *Acten*, I. p. 42.

[6] There were 369 matriculations as compared with 278 in the preceding year.

[7] Kampschulte, I. p. 17.

Martin Luther. It is melancholy to notice that the University of the great Reformer's younger days should have been destroyed by the government of a Protestant country in 1816.

§ 4. HEIDELBERG (1385).

PAREUS, *Historia de Academia Heidelbergensi*, and other old writers who touch on the history of the University, are mentioned by WUND, *Beiträge zu der Geschichte d. Heidelberger Universität*, Mannheim, 1786. HAUTZ, *Geschichte der Universität Heidelberg* (Mannheim, 1862), which supersedes his *Zur Geschichte der Univ. Heid.* (Heidelberg, 1852), is the most important modern work, containing the Statutes and some other documents. More recently, a fuller and very careful study of the earliest period is supplied by THORBECKE, *Die älteste Zeit der Universität Heidelberg 1386–1449* (Heidelberg, 1886), and a full collection of documents has been edited by WINKELMANN, *Urkundenbuch der Universität Heidelberg* (Heidelberg, 1886). TOEPKE has printed the Matriculation-book from the foundation to 1662 (*Die Matrikel d. Univ. Heidelberg*, Heidelberg, 1884–93)—a most important contribution to University history. The following may also be mentioned: HAUTZ, *Geschichte der Neckarschule in Heidelberg*, Heidelberg, 1849; STOCKER, *Die theologische Fakultät in Heidelberg, 1386–1886*, Heilbronn, 1886; KUNO FISCHER, *Die Schicksale d. Univ. Heid.*, Heidelberg, 1888; HAUTZ, *Lycei Heidelbergensis Origines et Progressus* (Heidelbergæ, 1846), which touches on the Colleges or Contubernia of the University, but relates chiefly to later periods.

Growth of Universities in Germany.

When once the University movement was started in Germany, it advanced with rapid steps. As in medieval Spain and modern America the foundation of a University in one State excited the jealousy or ambition of others, and Universities multiplied till every considerable Principality had one of its own. Thus the growth of a national or provincial spirit in Europe, while it destroyed the brilliant intellectual life of the old cosmopolitan Universities, enormously fostered the spread of ordinary education. The tendency to multiply Universities in Germany gained further strength from the Schism, since the Roman Popes were always ready to grant the necessary bulls as a means of weakening Paris, the great champion of the Avignon Pontiffs. In the case of these minor Universities we must be content with a very brief statement of the main facts regarding their foundation and constitutional structure.

CHAP. IX, § 4.

Foundation of Heidelberg.

The University of Heidelberg was founded by the Palsgrave Rupert I. The Bull of foundation was issued by Urban VI in 1385[1]. In the following year a number of charters of privilege[2] were granted by the Founder. Marsilius of Inghen, an ex-Rector of Paris (one of the strong Urbanists who had left the University), was elected first Rector of Heidelberg, and is often styled in its documents 'Founder' of the University. Lectures were begun by him and two other Masters in October, 1386. Both the Papal and the Electoral Charters declare that the University is to be on the model of Paris, and the constitution is a closer imitation of Paris than Vienna or even Prague. The Bishop of Worms is Judex Ordinarius of scholars (at least if clerks), with a special Official and a prison in Heidelberg[3], though with some restrictions upon his jurisdiction; the Provost of the Cathedral Church of Worms is Chancellor; as at Paris, there is a Faculty of Theology, but none of Civil Law.

Constitution.

A division into Nations is mentioned in the foundation-charter, but it is not clear how far the National organization really came into existence[4]. The Rector was always to be taken from the Faculty of Arts, which apparently voted as one body in the general Congregations[5]. The Rectorship was not thrown open to the other Faculties, as it was from the first in most German Universities, till 1393[6]. The

[1] Hautz, II. p. 313; *Urkundenbuch*, No. 2. That the Founder's intention to found a University dates from 1346, and that an Imperial as well as a Papal authorization was obtained, are traditional theories for which there is no real basis. See Denifle, I. pp. 381, 383. Cf. also Thorbecke, p. 5 *sq.*

[2] Hautz, II. p. 315 *sq.*; *Urkundenbuch*, No. 4 *sq.*

[3] 'Ut Episcopus Wormaciensis Judex ordinarius clericorum studii nostri carceres et officiatum pro criminosorum clericorum detentione in opido nostro Heidelberg habeat.' *Urkundenbuch*, No. 8; Hautz, II. p. 319.

[4] Paulsen (*Hist. Zeits.* 45, p. 389), assumes that it had no real existence. In the older Universities of Germany the Nations retained a formal existence to the present century.

[5] *Urkundenbuch*, No. 17; Hautz, II. p. 345.

[6] *Urkundenbuch*, No. 31. At the same time it was provided that in case of 'dissension' between the Faculties, the matter was to be determined by a smaller Council consisting of one Doctor of each superior Faculty and three delegates

change necessitated the appointment of a Dean of Arts. Few Universities of the Middle Ages, not founded by migration from an existing University, could boast so large a membership in the very year after its foundation. By Oct. 1387, 589 persons had been matriculated, including six Masters of Theology, five Doctors and a Licentiate of Canon Law, three Doctors of Medicine, and thirty-four Masters of Arts[1]. A year later the University was nearly emptied[2] by pestilence, quarrels with the town, and the establishment of a rival University at Cologne. But Heidelberg recovered its ground in the following year, and permanently took its place as one of the most important in Germany.

Numbers.

As in other German Universities, the endowment without which a young University could not long flourish was partly supplied by the foundation of Colleges. The first was the Cistercian Collegium Jacobiticum, erected by Rupert I in 1389[3]. The first secular College, a Collegium Artistarum, was founded by the first Chancellor of the University, Conrad von Geylhausen, in 1390, for twelve teaching Masters 'on the model of the Sorbonne;' which was further endowed by the University's 'second Founder,' Count Rupert II, in 1391, with 3000 gulden. It was established in the confiscated houses of Jews[4]. The Contubernium Dionysianum[5] was founded by Gerlach von Homburg, Master of the Schools of S. Stephen's at Mainz, as a house for poor scholars, in 1396. A further

Colleges and other endowments.

of the Faculty of Arts. Later (1437) we find a sort of inner Council of 'Seniores Magistri' in the Faculty of Arts. *Urkundenbuch*, No. 97.

[1] *Matrikel*, pp. 1–24.

[2] Doc. in Hautz, II. p. 359, and *Matrikel*, I. p. 34.

[3] Hautz, I. p. 184 *sq.*; *Urkundenbuch*, No. 27.

[4] Hautz, I. p. 188; *Urkundenbuch*, Nos. 28–30. The Jewish School was turned into S. Mary's Chapel, used as a University Chapel and for meetings of Congregation.

[5] Hautz, II. 362 *sq.* The method of nomination to this College was remarkable. Vacancies were to be filled by the *Rectores bursarum* (principals of Halls) and the *Rector scholarium sive bachantrie*, who seems to have been an unauthorized Rector elected by the students. (See the Stat. in Hautz, II. p. 371.) No doubt such offices existed in other Master-universities where we do not hear of them.

CHAP. IX, § 4. endowment was supplied, under Rupert II and Rupert III, (according to the example already set at Prague and Vienna) in 1398, by the appropriation of twelve prebends at Spires, Worms, and elsewhere for University Masters[1]. In 1400 the Collegiate Churches of S. Peter and of the Holy Ghost in Heidelberg and other benefices were also impropriated for the use of the University[2]. A valuable Library was bequeathed to the University by Count Lewis III, who died in 1436[3].

The two 'viæ.'

The University, treading in the footsteps of its first great teacher, Marsilius, was originally entirely Nominalistic. In 1412 we find a prohibition not merely of the 'perverse and condemned doctrines' of Wycliffe, but of all Realistic teaching[4]. After the Council of Constance, however, we find symptoms of the realistic reaction which was everywhere in progress. In 1452 there is a Rectorial injunction against members of the 'via modernorum' using contumelious words against the 'via antiquorum' and its books, or *vice versa*, and a prohibition against trying to prevent scholars attending the lectures or disputations of any particular Master[5]. A few years later (1455) it becomes evident that the Faculty of Arts is regularly divided into two 'viæ'—so much so that it is necessary to make a Statute ensuring to the scholar freedom to pass from one to the other, though with the restriction that he must have heard all the books required for the 'via' in which he wishes to be promoted[6]. There were a separate set of Lecturers and of Examiners for each 'via'[7]. The division in the magisterial body naturally led to the erection of separate 'Bursæ' or Halls for Nominalists and Realists[8]. A Bursa for Jurists was founded by Count Philip in 1498[9].

[1] *Urkundenbuch*, No. 46.

[2] *Ib.* No. 50 *sq.*

[3] *Ib.* No. 98.

[4] 'Quod nullus magistrorum aut baccalarius dogmatiset aut dogmatisare presumat perversa condempnataque dogmata Wyckleff eciam universalia realia, verum pocius contraria.' *Urkundenbuch*, No. 70. It should be observed, however, that this emanates from the Theological Faculty only.

[5] *Urkundenbuch*, No. 110.

[6] *Ib.* No. 114.

[7] *Ib.* Nos. 135, 138.

[8] *Ib.* No. 176.

[9] *Ib.* No. 145.

§ 5. COLOGNE (1388).

[HARTZHEIM], *Prodromus Historiæ Coloniensis*, Coloniæ Augustæ Agrippinensium, 1739. ENNEN, *Geschichte d. Stadt Köln*, T. III. (Köln, 1869), p. 833 *sq.* BIANCO, *Die alte Universität Köln*, Köln, 1855; which supersedes an earlier *Versuch einer Geschichte der ehemaligen Universität u. d. Gymnasien d. Stadt Köln* (Köln, 1833); Bianco prints the Statutes and some documents. KEUSSEN is producing an elaborate and scholarly edition of *Die Matrikel der Universität Köln, 1389 bis 1559* (T. I. to 1466: Bonn, 1892a). A few additional documents appear in ENNEN, *Quellen zur Gesch. d. Stadt Köln*, T. V, VI. Köln, 1875, 1879.

Ancient Schools.

Cologne appears from very early times to have boasted Schools of some repute. In countries which possessed no Universities of their own the old Church-schools naturally retained an importance which was elsewhere lost after the full development of the Universities in the thirteenth century. The most important of these in Cologne was of course the Cathedral School under its *Magister Scholarum.* As the most prominent and central of the educational and ecclesiastical centres of Germany, Cologne was selected by the Dominicans as the chief Studium of their Order in that country—a Studium made illustrious by the teaching of Albert the Great and Thomas Aquinas. Here too, in the convent of the rival order, taught and died their great opponent Duns Scotus[1]. But it is a mistake to regard the University as a mere outgrowth or incorporation of these early schools, whether secular or regular. No graduations took place here before the foundation of a University. Like so many of the Italian Universities, but unlike the three earlier Universities of Germany which were created by Princes, the great commercial city of Cologne owed its University to the public spirit of its own Municipality, which in 1388 procured a Bull from Urban VI erecting a University on the model of Paris and conferring the right of promotion upon the Provost of the Cathedral[2].

University founded by Municipality, 1388.

[1] Ennen, *Gesch.* III. p. 836.

[2] Printed in Bianco, I. *Anl.* p. 1. The University afterwards obtained privileges, conferring protection on journeys and exemption from tolls, &c., from the Duke of Guelders (1396), and the Emperor Frederick III (1442): *ib. Anl.* p. 3 *sq.*

CHAP. IX, § 5.

The Studium opened at the beginning of the following year with twenty-one Masters, *i.e.* one D.D., two *Baccalarei formati* of Theology, a Master and a Licentiate of Medicine, and a Bachelor of Laws, the rest being Masters of Arts[1]. Most of the teachers were graduates of Paris, Prague, Vienna, or Heidelberg. A large proportion of the students no doubt came from the same Universities. An endowment was gradually provided for the University by the annexation of prebends[2] to academic chairs, and, in respect of the chairs of Law and Medicine, by the Town Council[3]. The pecuniary affairs of the Studium and the appointment of the salaried Professors rested jointly with the Rector and the Municipal *Provisores*[4]. The constitution of the University was the Parisian Constitution modified by the admission of Masters in all Faculties to the Rectorship[5], by the admission of Non-Regents to electoral power[6], by the introduction of a Dean of Arts[7] and by the total suppression of the Nation-organization[8]. We have seen that in the earlier Germanic reproductions of Paris, the importance of the Nations and the Proctorships were increasingly diminished. At Cologne for the first time they disappear altogether[9].

Constitution.

Jurisdiction.

The jurisdiction over members of the University belonged in minor cases to the Rector, in more serious ones to the Rector and Deans, and in the last resort to the University itself[10]. For the exercise of spiritual jurisdiction, however, the University had to appeal to the Apostolic Conservators[11].

[1] Doc. in Bianco, I. p. 87. Denifle, I. p. 396. The Licentiate and the two Bachelors were also M.A.'s.

[2] Docs. in Bianco, I. *Anl.* p. 126 *sq.*

[3] Ennen, *Gesch.* III. p. 869: Ennen, *Quellen*, VI. No. 185.

[4] Bianco, I. *Anl.* p. 125.

[5] Bianco, I. p. 147.

[6] *Ib. Anl.* p. 59. Bachelors in the higher Faculties were to be admitted till they possessed a sufficient number of Doctors. (*Ib.* p. 17.)

[7] *Ib. Anl.* p. 60.

[8] Bianco, I. p. 83.

[9] Their *de facto* existence at Heidelberg is somewhat doubtful. See above, p. 248.

[10] Ennen, *Gesch.* III. p. 864. The extent of this jurisdiction, however, does not clearly appear from the published documents; but it seems to have been more than merely disciplinary.

[11] Bianco, I. *Anl.* p. 119.

The *Bursa Coronarum* or *Collegium Hervordianum* was founded for a Rector and twelve poor students in 1430, and a few other foundations of Colleges or endowed Bursæ followed[1]. CHAP. IX, § 6. Colleges.

In the first three Rectorships of the University's actual existence (Jan. 9, 1389–Jan. 7, 1390) there were 738 matriculations, the numbers being swelled by the misfortunes which had overtaken Heidelberg a year after its prosperous inauguration. At this time there were twenty-one Masters[2]. The recovery of Heidelberg would seem to have injured its rival, since from 1391 the matriculations begin to fall off. After the beginning of the fifteenth century, the numbers on the whole slowly increase, amid astonishingly violent fluctuations, till in 1461–65 the total is 1348[3]. Numbers.

§ 6. WÜRZBURG (1402).

BÖNICKE, *Grundriss einer Geschichte von der Universität zu Wirzburg* (Wirzburg, 1782) is superseded by the fuller work by WEGELE, *Geschichte der Universität zu Wirzburg* (Wirzburg, 1882), who prints the few medieval documents.

The idea of founding a University in the ecclesiastical principality of Würzburg originated with the Bishop Gerhard of Schwarzburg, who, however, died in 1400 without having accomplished his design[4]. The scheme was carried out by his successor, John of Egloffstein, who, in 1402, obtained a Bull for all Faculties from Boniface IX, conferring the privileges of Bologna and the *jus ubique docendi*[4]. The Bishop became Chancellor, and in 1406 the Bishop of Augsburg, the Dean of Mainz, and the Dean of the Collegiate Church of Haug outside the walls of Würzburg were named Conservators Apostolic[5]. At that date it appears that the University had some formal, though possibly only a formal, existence[6]. The Founder's Charter

[1] Ennen (*Gesch.* III. p. 859 *sq.*) mentions a *Collegium Ruremundanum* and other 'domus' or 'bursæ'; but it is not clear how many of them were really Colleges.

[2] Keussen, I. pp. 1–45.

[3] *Ib.* p. lxxix. There are, however, indications that the matriculations were at times not properly entered.

[4] Wegele, I. p. 10 *sq.*; II. p. 4.

[5] *Ib.* II. p. 6.

[6] The Papal Bull speaks of a peti-

CHAP. IX, § 6.

of Privileges was not issued till 1410[1]. Spiritual and temporal jurisdiction over students was conferred on the Rector with a right of appeal to the University: only if both Rector and University failed to do justice could they be cited before the ordinary tribunals. The endowment was supplied by the assignment to the University of a *collecta* due from the clergy of the diocese to the Bishop. The death of the Founder in 1411 was followed in November, 1413, by the murder of the Rector[2], and the outrage was followed by a total dispersion of the Masters and scholars. The Bishops, becoming involved in the Hussite wars, had no leisure to bestow upon the revival of the University, which seems to have been practically suspended till 1554[3].

§ 7. LEIPSIC (1409).

A magnificent collection of materials exists in STÜBEL, *Urkundenbuch der Univ. Leipzig* (*Codex Diplomaticus Saxoniæ*, pt. ii. vol. xi.), Leipzig, 1879, and ZARNCKE, *Die Statutenbücher der Univ. Leipzig*, Leipzig, 1861, and *Acta Rectorum Univ. Lipsiensis*, Lipsiæ, 1858. There are short sketches of the University's history by KREUSSLER (*Gesch. d. Univ. Leipzig*, Dessau, 1810), GRETSCHEL (*Die Univ. Leipzig*, Dresden, 1830), and GERSDORF (*Die Univ. Leipzig im ersten Jahre* in *Berichten der deutschen Gesellschaft*, Leipzig, 1847). The following may also be mentioned:—*Collegium Beatæ Mariæ Virginis in Univ. Lips.* Leipzig, 1859; ZARNCKE, *Causa Nicolai Winter, Ein Bagatellprocess bei d. Univ. Leipzig*, Leipzig, 1890; BRIEGER, *Die theologischen Promotionen auf der Universität Leipzig, 1428–1539*, Leipzig, 1893.

Founded by Prague migration, 1409.

The story of the great Prague migration of 1409 has already been told. Some of the students no doubt transferred themselves to the already existing Universities of Germany. A body of over forty Masters and some 400 Bachelors and students accepted the invitation of Frederick and William, Landgraves of Thuringia, to establish a University in Leipsic[4]. The rapidity with which the scheme was

tion from the Rector and University. It is true that this may be a mere 'common form.'

[1] Wegele, II. p. 8.

[2] *Ib.* I. p. 19 *sq.*

[3] *Ib.* II. p. 22.

[4] *Urkundenbuch*, p. 3; Gersdorf, p. 25 *sq.*, where the names are given. The list of students is the list of those who matriculated in December. By the end of the first year 602 students had been matriculated.

carried into execution is remarkable. The Foundation-bull of Alexander V is dated Pisa, September 9, 1409[1]. A Dean of the Philosophical Faculty was elected, and lectures no doubt began, in October: though the formal opening of the Studium and the election of a Rector were deferred till the beginning of December[2]. The first meetings of the University are said to have been held in the ancient building still used for examinations in the Faculty of Philosophy. The Bishop of Merseburg became Chancellor and chief Conservator Apostolic; but the degrees were usually conferred (as, indeed, was very generally the case in many Universities) by a Vice-Chancellor[3]. Spiritual jurisdiction over students who were clerks was delegated to the Rector by the Bishop[4]. CHAP. IX, § 7.

To supply the place of the Carolinum of Prague, the Masters of Arts were from the first lodged by the Landgraves in two houses known as the Collegium majus and the Collegium minus, which served both as places of residence for themselves and their pupils and as lecture-rooms[5]. Soon afterwards the Faculties of Theology and Canon Law were endowed with prebends in various Churches[6]. Colleges and endowments.

In some points the constitution of Leipsic naturally differs from that of the other North-German Universities which we have been hitherto considering, and follows the example of its Mother-University of Prague. It was Constitution.

[1] *Urkundenbuch*, p. 1.

[2] Gersdorf, pp. 25, 35.

[3] *Urkundenbuch*, p. 5.

[4] *Urkundenbuch*, p. 18. It was often renewed (*Acta Rectorum*, p. 15). But in the *Causa Nicolai Winter* we find the Rector obliged to apply to the Bishop for the enforcement of his sentence by ecclesiastical censure.

[5] *Urkundenbuch*, p. 4; *Statutenbücher*, p. 96. In S. Mary's College in the same University (founded 1416) the 'Bursa' of the Boarders or Pensioners seems to be distinguished from the 'Collegium' of the Masters (*ib.* p. 277). After the Reformation, Leipsic seems to have been troubled by the 'married don' difficulty. It is interesting to see how it was met. A Statute of 1565 recites that, though celibacy is required by the existing Statutes, 'domo sua aliquem necessitate promissionis iuratæ abstrahere, noctu præsertim, inhumanum sit . . . propterea quod plerique iam coniuges sint, et accidere possit, ut brevi fiant universi,' a kind of academic caretaker ('Curator') is appointed to live in College, to maintain discipline and superintend the 'seriotinarum disputationum exercitationes' (*ib.* p. 216).

[6] *Urkundenbuch*, pp. 9, 19.

CHAP. IX, § 7. divided into four Nations—(1) the Polish, (2) the Misnian, (3) the Saxon, (4) the Bavarian[1]; and the Nations possessed rather more individuality than they enjoyed in other German Universities, since they had separate Statutes, Congregations, and Consiliarii (but no Proctors) of their own[2]. The Rector is not necessarily a Master[3]; and the Faculty of Arts has a Dean as well as the superior Faculties[4]. Only Masters, however, sit in the Congregations of the University or of the separate Nations, which include Masters of all Faculties[5]. In the German Universities we have noticed many indications of the growing tendency to transform the ever-changing Regents of the old Parisian system into a permanent Professoriate. The tendency was promoted by the Colleges and other endowments for Masters which tended to establish a class distinction between the University teacher and the mere graduate. Another instance of this tendency meets us at Leipsic, where in the Faculty of Arts the chief power seems lodged with a Council composed of the senior members of the Faculty, whose numbers were gradually reduced[6].

§ 8. ROSTOCK (1419).

I am chiefly dependent on KRABBE, *Die Universität Rostock*, Rostock u. Schwerin, 1854. The Statutes are printed in WESTPHALEN, *Monumenta inedita Rerum Germanicarum*, IV. Lipsiæ, 1745. *Die Matrikel der Universität Rostock* has recently been edited by HOFMEISTER (Rostock, 1889, &c.). I have not seen an article by KOPPMANN, *Zur Gesch. Rostocks*, in *Rostocker Zeitung*, 1885, a programme by KRAUSE, Rostock, 1875, or LASIUS, *Historiæ exiliorum in quæ Acad. Rostock saec. XV. missa pulsaque fuit*, Rostockii, 1792.

Foundation. In the fifteenth century Rostock was one of the most flourishing of the semi-independent Hanse towns. Its University was founded by the co-operation of John III and Albert V, then Dukes of Mecklenburg, with the City Municipality. The Dukes granted the requisite Charters:

[1] *Urkundenbuch*, p. 92.
[2] *Statutenbücher*, p. 158 *sq.* The voting in the Faculty of Arts was not by Nations (*ib.* pp. 374, 382).
[3] *Ib.* p. 48.
[4] *Ib.* p. 306.
[5] *Ib.* p. 167.
[6] *Ib.* pp. 345, 368, 377, 385.

the City supplied an endowment of 800 florins annually[1]. Hitherto many of the students from the Baltic countries had been accustomed to study at Prague: and Rostock must no doubt be reckoned among the Universities which indirectly owe their origin to the great secession of the Germans from Prague in 1409. In 1419 a Papal Bull was issued sanctioning the erection of a University in all Faculties except Theology if the requisite arrangements for its endowment should be made[2]. The Bishop of Schwerin was made Chancellor[3]. The first Masters came from Erfurt and Leipsic, and 160 students were matriculated within the first half-year of the University's existence[4]. In imitation of Leipsic the Masters of Arts were from the first established in two Colleges, the Collegium majus and the Collegium minus[5]. Martin V viewed all University Faculties of Theology with disfavour: for Doctors of Divinity meant Councils, and Martin V was not likely to forget that Councils could make and unmake Popes. Accordingly the efforts made, not only by Rostock but by other Hanse towns, to acquire a Faculty of Theology proved fruitless till the accession of Eugenius IV, who granted a Bull for the purpose in 1431[6].

[1] Krabbe, I. pp. 31, 32; Krantz, *Wandalia*, Coloniæ, 1518, L. x. c. 30.

[2] The Rector does not appear to have enjoyed any very extensive judicial powers till 1468, when he received jurisdiction from the Bishop. Krabbe, I. p. 152.

[3] *Ib.* p. 37.

[4] *Ib.* pp. 47, 48.

[5] Kosegarten, *Die Univ. Greifswald*, I. p. 55.

[6] Krabbe, I. pp. 54–6, 61. For the migration of the University to Greifswald in 1437–1443, see below, p. 264. From 1487 to 1488 the University was similarly transferred, by Papal authority, to Lübeck. (Krabbe, I. pp. 202–207.) The dispute arose out of a fusion of certain parish churches into the Collegiate Church of S. James by the Bishop and Grand Duke for the benefit of the University in 1485—an arrangement which was resented by the citizens. Popular feeling ran so high against the Chapter that the new Provost was beaten to death with clubs and thrown into the river. (Krabbe, I. p. 197 *sq.*; Krantz, L. xiv. c. 6 *sq.*). Later on, we still find the citizens complaining of the connexion between the Collegiate Church and the University as fatal to the interests of the latter. It is interesting to notice some of the reasons alleged against it: 'Quia omnes civitates stagnales proclamant Universitatem perire propter collegium ... Per dominos universitatis canonicos fiunt lectiones negligentius ... Distrahuntur concordie per

CHAP. IX, § 8

No Nations.

The national sub-divisions of Paris and Bologna were clearly out of place in a merely provincial University; and by this time the German Universities were becoming essentially provincial. Leipsic was founded by students from three distinct Nations of Prague; here the national distinctions were naturally perpetuated. But Leipsic was almost the last German University in which this part of the old Parisian system was reproduced. There is no trace of Nations at Rostock or any of the subsequently founded Universities of Germany except Louvain[1].

The 'Promotor.'

The only constitutional innovation which calls for special notice at Rostock is the introduction of a new official, or the glorification of an old one, under the style of the 'Promotor et Superintendens' of the University. The name 'Promotor Universitatis' is occasionally applied at Paris to the University Advocate or Syndic[2]: but there he never seems to have acquired the prominence and importance of his analogue at Rostock and elsewhere in Germany, where he becomes a sort of public prosecutor or executive officer of the University entrusted with the enforcement of the Statutes, even when an offence was committed by the Rector himself[3]. He becomes in fact a sort of permanent and acting representative of the merely honorary, often very youthful, and ever-changing Rector of those days. In other respects the constitution was closely modelled on Leipsic.

Numbers

The University Matriculation-book shows 160 matricula-

diversos diverse sortis dominos et generantur periculosa suspicia. Diversa sunt canonicorum et dominorum de Universitate officia. Illi cantabunt, hi docebunt et studebunt' (Krabbe, p. 219). Similar arrangements in more modern times have been attended with results not wholly dissimilar.

[1] In the case of some I speak from incomplete data, but their existence is improbable. As to Ingolstadt, see below, p. 271.

[2] See above, vol. I. p. 414.

[3] Krabbe, I. p. 88; Westphalen, IV. c. 1020. So at Louvain: cf. Lipsius, *Lovanium*, p. 96. In the *Jura et Privilegia Acad. Lovan.* (p. 12) he is described as the *Oculus Rectoris*. At Louvain we hear that he 'vicos Urbis perambulat, aliquando solus, nonnunquam cum urbano Prætore. Suos habet Satellites,' &c. (Vernulæus, *Acad. Lovan.* p. 38)—one of the few traces of such Proctorial perambulations which I have met with in continental Universities.

tions between November 1419 and April 1420: between that time and October, 226; in the following half year, 101. After this the matriculations for the semester are usually between 50 and 100. After a migration to Greifswald, which came to an end in 1443, the total number of members of the University appears to have been 278. The average numbers remain much the same till the close of our period, with the exception of a slight increase from about 1470–1477 and a great depletion between the years 1487 and 1490, during part of which the University was transferred to Lübeck[1].

§ 9. LOUVAIN (1425).

There is a meagre account of the University by LIPSIUS, *Lovanium* (Antwerpiæ, 1605, p 90 *sq.*), and a still more meagre one in GRAMMAYE, *Antiquitates Brabantiæ* (Lovanii, 1708, p. 20 *sq.*). There are two histories of the old type: VALERIUS ANDREAS, *Fasti Academici studii generalis Lovaniensis* (Lovanii, 1635; ed. 2, 1650), and VERNULÆUS, *Academia Lovaniensis* (Lovanii, 1667), of which the latter is the more valuable. The *Privilegia Academiæ Lovaniensis* (Lovanii, 1728), and *Jura et Privilegia Academiæ Lovaniensis* (Argentorati, 1787) are of little use. The *Statuts primitifs de la Faculté des Arts de Louvain* have been edited by DE REUSSENS in *Bulletins de la Commission royale d'histoire*, 3me Sér. T. IX., and the *Anciens Statuts de la Faculté de Médecine*, by DE RAM (*ib.* T. V.), who has also published *Considérations sur l'histoire de l'Université*, in *Bulletins de l'Acad. de Belgique*, T. XXI. 1859, and edited a series (continued by NAMÈCHE) of *Analectes pour servir à l'histoire de l'Un. de Louvain* (Louvain, 1850–80), which, however, contain hardly anything relating to our period. The Statutes of the University are printed by the same Editor in his Ed. of MOLANUS, *Historiæ Lovaniensium* (Com. royale d'histoire: Bruxelles, 1861). The Statutes of the Colleges are printed in the *Analectes pour servir à l'histoire ecclésiastique de la Belgique*; Sér. 2, T. XVII, &c., and *Documents relatifs à l'Hist. de l'Univ. de Louvain*, ed. DE REUSSENS (Louvain, 1881, &c). See also NAMÈCHE, *Jean IV et la fondation de l'Université de Louvain*, Louvain, 1891.

Decline of Louvain.

In the fifteenth century Louvain had lost most of its old commercial prestige. The violence of its civic factions—culminating in the horrible massacre of seventy patricians in 1378—had led to a large migration of weavers to England, a blow to its commercial prosperity from which it never fully recovered. Its University was erected, as was so often the case in Italy, in part at least as an expedient

[1] *Matrikel*, pp. xxii. *sq.*, 1 *sq.* See above, p. 257, n. 6.

CHAP. IX, § 9.

for reviving a declining town[1]. In 1425[2] a Bull was obtained from Martin V for a University of all Faculties with the exception (as in the case of Rostock) of Theology: as with Rostock too the deficiency was supplied by the next Pope, Eugenius IV (1431)[3]. The University was actually opened in 1426[4]. Its Founder was the territorial Sovereign, John IV, Duke of Brabant, and the leading part in the promotion of the scheme was taken by his Councillor Engelbert, Count of Nassau. The Chancellor was the Provost of the Collegiate Church of S. Peter. It was one of the conditions upon which the Bull of erection was granted that the Duke should confer upon the Rector full criminal and civil jurisdiction over scholars; and this condition was immediately complied with. The Rector's jurisdiction extended to all cases except those which fell to the Apostolic Conservators[5], who were the Archbishop of Trèves, the Abbot of Tongerloo, and the Dean of S. Peter's at Louvain.

Foundation of University.

Jurisdiction of Rector.

Constitution.

The constitution of the University seems to be partly copied direct from Paris, partly from the modification of the Parisian constitution presented by the earlier German Universities[6]. All the Doctors or Masters appear at first to have had seats in the governing body of the University. The Faculty of Arts alone was divided into Nations, each of which had a Proctor, (1) Brabant, (2) the Walloon country, (3) Flanders, (4) Holland[7]; but the Rector was taken from the four Faculties in turn, the Faculty of Civil Law counting as a distinct Faculty; and the voting was by Faculties[8]. The Nations were, however, of little import-

[1] Lipsius, p. 91.

[2] Molanus, I. p. 455.

[3] Molanus, I. p. 499.

[4] *Statuts*, p. 19.

[5] Molanus, I. p. 459 *sq.*, 495; II. p. 896 *sq.*; Vernulæus, p. 28 *sq.*

[6] Gölnitz (*Ulysses Belgico-Gallicus*, p. 96), describes the University as 'e Coloniensi nata,' but I see no particular evidence of this.

[7] *Statuts*, p. 47; Andreas, ed. 1650, p. 240; Vernulæus, p. 57. The Dean of the Faculty is sometimes called in the Statutes 'Procurator Facultatis Artium.' There are allusions to a 'Consilium Facultatis Artium,' but its composition is not clear.

[8] I infer this from the sixteenth-century Statutes. At a later time the government was monopolized by a Senate consisting of the Rector,

ance. At first the teaching was left (it would appear) as at Paris to any Regents who chose to lecture: but after 1446 teaching in the Faculty of Arts was confined to four Pædagogia, except in Ethics and Rhetoric, for which there were University Professors[1]. These Professorships and those of the superior Faculties were in 1443 provided for by the annexation of stalls in the Collegiate Church of S. Peter and of various Parochial Churches, the nomination to them being bestowed upon the Burgomasters and Consuls of the City[2]. The high prestige which the University had attained by the end of the century, when it was perhaps the most famous place of education in Europe, goes far to justify a municipal or at least a governmental system of University patronage.

The College of the Holy Ghost was founded by a Flemish Knight, Louis de Rycke, in 1442, for seven students of Theology, and rapidly grew through later benefactions[3]. For law-students the College of S. Ivo was founded by Robert Van den Poele (*de Lacu*), a Doctor of both Laws, in 1483; the College of S. Donatian by Doctor Antonius Hanneron in 1488; and the Confraternity of the 'innocent boys of S. Peter' by Henry de Houterle in 1496; while for the last decade of the fifteenth century Louvain was the abode of the famous Jean Standonck, who left behind him a 'domus pauperum,' organized on the rigid and ascetic principles which he had applied to his College of Montaigu at Paris. The College of Malines for Artists was founded by Arnold Trot, Bedel of Theology, in 1500. The four Pædagogia, (1) Lilii, (2) Falconis, (3) Castri, (4) Porci, which (unlike the Colleges proper) were under the direct management of the Faculty of Arts, also began to receive various small endowments towards the end of the century. But the most famous College at Louvain

Colleges and Pædagogies.

Deans, salaried Professors, and Heads of Colleges. Vernulæus, p. 10.

[1] Vernulæus, pp. 63, 64; Molanus, II. 942.

[2] Molanus, I. pp. 109, 587, &c.

[3] De Ram, *Analectes*, I. p. 56 *sq.* For the Colleges generally, see Molanus, I. p. 622 *sq.*, Namèche, *Jean IV et l'Un. de L.*, p. 141 *sq.* The latter cites no authorities, and mentions several Colleges without dates.

CHAP. IX, § 9. was the Collegium Trilingue[1], founded, *circa* 1517, by Hieronymus Buslidius for the study of Greek, Latin, and Hebrew, which confirmed the position which Louvain had already won as one of the earliest and for a time by far the most famous home of the New Learning in Europe.

Survival of Colleges. Louvain retained the character of a federation of many Colleges until the Reformation: and even in the revived Roman Catholic University of Louvain a nearer approach to the College life of Oxford and Cambridge may be found than is to be met with elsewhere on the continent of Europe: while Louvain preserves or has revived the full graduation ceremonial which has disappeared everywhere else north of the Pyrenees[2]. In another respect Louvain

Competitive Examinations. reminds us of an English University. Here was established, as early as the year 1441, a much nearer approach to our English system of competitive honours than is perhaps to be found at the present day upon the continent of Europe. The candidates for the Mastership were after examination placed in three classes, in each of which the names were arranged in order of merit. The first class were styled *Rigorosi* (Honour-men), the second *Transibiles* (Pass-men), the third *Gratiosi* (Charity-passes), while a fourth class, not publicly announced, contained the names of those who could not be passed on any terms[3]. These

[1] There is an elaborate history of this College by Félix Nève, in the *Mémoires couronnés* of the *Académie royale de Belgique* T. XXVIII. 1856.

[2] A full account of these ceremonies is given in *Documents relatifs à l'érection et à l'organisation de l'Université catholique de Louvain* (Bruxelles, 1844), p. 134 *sq.*

[3] 'Ita est, si aliqui reperiantur rigorosi, sint de primo ordine, transibiles de secundo, si gratiosi, capaces tamen gracie, sint de tertio; si autem (quod absit) aliqui inveniantur simpliciter gratiosi seu refutabiles, erunt de quarto ordine' (*Statuts*, p. 55). It is noticeable that rivalry between the Colleges called for a statutable provision 'quod . . . non respiciunt ad conditiones domorum seu pedagogiorum' (*ib.* cf. p. 59). At a later time it would appear that the division into classes was done by the Professors *before* the Examination, and the competition was only for places in the class. An interesting account of the Examinations is given (from Vernulæus, p. 60 *sq.*) in Sir W. Hamilton's *Discussions* (London, 1852), pp. 407–8, and App. III (B). Hamilton was at one time inclined to trace the origin of the Cambridge tripos to the Louvain Examination, but the suggestion was afterwards withdrawn (*ib.* p. 418). The Examinations certainly seem to

competitive examinations contributed largely to raise Louvain to the high position as a place of learning and education which it attained before the Universities elsewhere were roused from their fifteenth-century torpor by the revival of Learning. Pope Adrian VI and (at a later date) Jansen were among the many celebrated men who attained the position of *Primus* in the Louvain examinations [1]. The intolerant Realism which prevailed in the University prepared it for its rôle as the chief stronghold of Anti-reformation learning later in the sixteenth century [2].

Realism and Conservatism.

§ 10. TRÈVES (1454, 1473).

BROWERUS ET MASSENIUS, *Antiquitatum et Annalium Trevirensium libri XXV*, Leodii, 1670, II. pp. 288 *sq.* MARX, *Geschichte des Erzstifts Trier*, Trier, 1858, II. p. 454 *sq.*

Kaufmann [3] claims the position of Studium Generale for Trèves in the twelfth or thirteenth century, on the ground that a student song contains the apostrophe 'Urbs salve regia, Trevir, urbs urbium.' 'Urbs regia' is, he contends, used in allusion to the theory that the teaching of Law was confined to 'civitates regiæ' by the Constitution *Omnem* [4]. It is impossible to say that the Schools of this

No ancient Studium Generale.

have kept up the studious character of the place, if not its intellectual eminence, at a time when Oxford had sunk into absolute lethargy; in 1787 the author of the *Jura et Privilegia* (p. 20) declares 'Nullus hic locus otio, soli studio duodecim fere horas quotidie impendunt, reliquas aut pietati aut modicæ relaxationi animi' (!).

[1] A list is given in Vernulæus, p. 110 *sq.* Molanus quotes the testimony of Erasmus in 1521: 'Academia Lovaniensis frequentia nulli cedit hodie, praeterquam Parisianæ. Numerus et plus minus tria millia, et affluunt quotidie plures' (*Epp.* Lugd. Bat. 1706, c. 652). Cf. below, App. XXIX. The College which had produced the *Primus* enjoyed three days' holiday, during which the bell was continually rung day and night. Grammaye, p. 24.

[2] 'Anno 1486. Marsilius de Craenendonck reconciliatus est Facultati, qui in actu formali asseruerat Aristotelem nominalem fuisse, agnoscens se ex levitate fecisse' (Molanus, I. p. 581). In 1427 some Nominalists were suspended for three years, and in 1446 it was considered a sufficient defence of an incriminated thesis to say that it was found in Scotus, 'quem reprobare Facultati non licebat' (*ib.* p. 582).

[3] *Gesch. d. deutsch. Univ.* I. p. 159.

[4] Cf. above, p. 3.

Metropolitan City may not have been what would have been considered a Studium Generale in the loose thirteenth-century sense; but there is no real evidence to show that they were so. And there are certainly no traces of an existing Studium Generale, or of anything like it, in the place in 1454, when the Archbishop, James of Sirck, procured a Bull of creation from Nicolas V[1], who also authorized the impropriation of six Canonries and three parochial Churches in the City for the sustentation of Masters[2]. The date, however—the year after the capture of Constantinople—was an ill-omened one for such an undertaking. The war with the Turk called away the Founder to other tasks, and the actual birth of the University was postponed to the year 1473[3].

Bull of 1454.

No actual University till 1473.

It would appear, however, that the credit of this revival is due not to the then Archbishop but to the City, which had to bribe that prelate with a sum of 2000 *aurei* to hand over to them the old Bull of Nicholas V and to assist them in obtaining a fresh one[4]. The Archbishop was Chancellor, and the foundation-bull conferred upon the University the privileges of Cologne, which seems to have been the model for its constitution.

§ 11. GREIFSWALD (1455–6).

KOSEGARTEN, *Geschichte der Universität Greifswald, mit urkundlichen Beilagen*, Greifswald, 1857. See also authorities for Rostock, above p. 256.

In the year 1428 a democratic revolution took place in the town of Rostock, in consequence of the failure of the Town Council in their expedition against the King of Denmark. The existing Burgomasters—the representatives of the hitherto ruling oligarchy—were expelled, and betook themselves to the Council of Bâle to get the assistance of

Interdict at Rostock: Migration of University to Greifswald, 1437.

[1] Browerus et Massenius, II. p. 288.
[2] *Ib.*
[3] *Ib.* p. 299. As to the date, cf. Marx, II. p. 459.
[4] Wyttenbach and Müller, *Gesta Trevirorum*, II. (Augustæ Trevirorum, 1838), p. 343; Browerus et Massenius, II. p. 299.

ecclesiastical thunders for the promotion of their recall. As a consequence of this appeal, the City was laid under Interdict, and the University in particular was ordered to have no dealings with the excommunicated City magistrates. The University was evidently disposed to sympathize with the citizens, but the place was at length rendered uninhabitable for it: and a decree of the Council of Bâle was procured authorizing its transference to any other place within the dioceses of Kammin and Ratzeburg. The place selected was the neighbouring Hanse town of Greifswald in Pomerania, to which the University removed from 1437 till 1443. The Bâle decree only authorized the transference of the Studium so long as the Interdict on Rostock lasted. This was removed in November, 1439, when a kind of coalition Government was arranged between the aristocracy and the craftsmen. The University at Greifswald was, therefore, *ipso facto* brought to a conclusion. But the Town Council of Rostock were not at first disposed to renew the endowment of the truant University: and for more than three years the Studium practically ceased to exist in either City. In 1443, however, it was permanently transferred back to Rostock: but the six years during which it had enjoyed the dignity of a University town left academical aspirations in the minds of the burghers of Greifswald: and it is not surprising to find a movement arising for the erection of a permanent University not many years after the departure of the Rostock Professors[1].

CHAP. IX, § 11.

Removal of Interdict, 1439.

Return of University to Rostock, 1443.

In 1455 a Bull[2] was procured from Calixtus III addressed to the Bishop of Brandenburg, authorizing the erection of a University if it were found that the allegations of the petitioners as to the suitability of the place and other circumstances were true. The project, however, was opposed by the Duke of Mecklenburg and the University of Rostock, and the actual Bull of erection was not granted till

Bulls from Calixtus III, 1455–6.

[1] Krantz, *Wandalia*, L. xi. c. 11 *sq.*, L. xii. c. 28. Kosegarten, I. pp. 27–33, 293–4; Krabbe, I. pp. 110–129.

[2] Kosegarten, II. p. 3.

CHAP. IX, § 11.

Commission of inquiry.

1456[1]. The issue of a preliminary commission of inquiry, it may be remarked, seems to be a very usual method of procedure at the Roman Court in the erection of a University at about this period. In this case there appears to have been a very elaborate enquiry[2], and the definitive Bull was not procured without the expenditure of 300 ducats on the part of the envoy of the City, no less than 200 of which went in gratifications to the Cardinals or the inferior hangers-on of the ecclesiastical Court[3]. Even when the Bull was issued, its operation was conditional on the actual endowment of the University to the extent of 2000 ducats by Wratislaus, Duke of Pomerania-Stettin, whose supremacy Greifswald now acknowledged. This sum was supplied as usual by the impropriation of Churches: in particular, the Town Church of S. Nicholas in Greifswald was made Collegiate, and the patronage of the Canonries bestowed on the University. The City likewise contributed to the endowment, and also—a more unusual circumstance—the Bishop of Kammin and the neighbouring Abbeys[4]. The Bishop of Kammin became Chancellor and (jointly with the Bishop of Brandenburg) Conservator Apostolic. The Chancellor, however, early appointed as perpetual Vice-

Impropriations.

[1] Kosegarten, II. p. 14. An imperial Charter of Privilege was obtained from Frederick III in the same year. *Ib.* p. 49.

[2] These precautions would appear not to have been altogether uncalled for. The first Bull of Calixtus III declares that the Duke's representatives had made the astounding assertion 'quod infra centum miliaria prope ipsum oppidum [ab una parte] aliquod generale studium, quod ad presens vigeat, non existit,' thus ignoring Rostock. The words 'ab una parte' seem to be a later correction. Kosegarten, II. pp. 3, 4.

[3] See the amusing letter in Kosegarten, II. pp. 18, 19: 'Vix valeo facta universitatis cum ccc ducatis expedire, propter impedimenta nobis facta. Quasi cc ducatos habeo dare in propinis. Nisi hoc fecissem, nihil obtinuissemus,' &c. The envoy stayed at Rome to procure further privileges; and on Ap. 28, 1457 (*ib.* p. 59), writes to Rubenow giving further particulars of the gratifications which he had given to the Cardinals. He explains that the first envoy of the enemies of the University had died of chagrin at its success ('Credo quod ex melanconia [*sic*] obiit'), and he hopes that their present agent will likewise die at Rome: 'ebriosus est; credo quod nunquam revertetur, quia aer Romanus non patitur homines talismodi.' He asks for more moneys 'sine quibus nichil.'

[4] Kosegarten, II. pp. 4, 8, 10, 12, 38, 164 *sq.*

Chancellor Henry Rubenow, one of the Burgomasters of Greifswald, who had taken the largest share in promoting the erection of the University, towards which he contributed on a munificent scale out of his private purse[1]. He has always been considered the true Founder of Greifswald[2]. Rubenow was also elected first Rector of the University, and 173 students were matriculated during his Rectorship, *i.e.* during the first half year of the University's existence[3].

Henry Rubenow.

The Universities of Greifswald and Rostock are remarkable for the large number of private citizens who contributed to their foundation or endowments. They may be said to supply the first recorded instances of the foundation of Professorships (*collegiaturæ*) by private persons[4]. The Masters of Arts, as at Leipsic and Rostock, were divided between a Collegium majus and a Collegium minus. The houses were given by the Duke[5]; the Colleges were richly endowed; and the Masters further derived a considerable income from letting out rooms to non-foundation students. At Greifswald the Collegium majus was adapted for six Rectors or Regents and 200 Students; the Collegium minus for four Regents and 140 students. In the Ducal deed of gift the average net income derivable from room-rent is estimated at a florin per student.

First Professorship founded by private persons.

Colleges.

[1] Kosegarten, II. p. 24 (this document also authorizes the Rector to have a prison), and p. 159.

[2] Rubenow's total expenditure upon the foundation of the University was 3012 marks, besides the patronage of eight benefices and 400 'florenos renenses' spent in procuring the Bulls. He bequeathed further property to the University by will, including a Library which 'pro mille florenis,' he says, 'nulli darem.' Kosegarten, II. p. 259.

[3] Kosegarten, I. p. 65; II. p. 259 *sq.*

[4] Krabbe, I. p. 57; Kosegarten, II. p. 101 *et passim.*

[5] The Duke gives a house 'cum cameris siue commodis pro sex Rectoribus et ducentis Studentibus, pro collegio maiori et pedagogio artistarum bene preparatis, a quibus Regentes in illo ultra ducentos florenos pro conductura solummodo absque liberis expensis et collecta leccionum percipere valeant ad omne minus,' &c. Kosegarten, II. p. 20. Later on, in both Universities, the 'Collegium minus' was made into a stricter School or Pædagogy for the younger students ('pædagogium cum clausura et directione'). *Ib.* II. p. 213.

CHAP. IX, § 12.

§ 12. FREIBURG-IM-BREISGAU (1455–6).

The chief history (with extracts from documents) is SCHREIBER, *Gesch. der Stadt u. Univ. zu Freiburg im Breisgau*, II. Freiburg, 1857. A few documents are given in RIEGGERUS, *Analecta Academiæ Friburgensis* (Ulmæ, 1774), and SCHREIBER, *Urkundenbuch der Stadt Freiburg im Breisgau*, vol. II. (Freiburg-i.-B 1829). *Die Urkunden über die der Universität Freiburg-i.-B. zuhörigen Stiftungen* (Freiburg im Breisgau, 1875), refers but little to our period. It contains the Statutes of the 'Sapientia,' a College founded in 1501, on which there is also a 'Programme' by WERK (*Das Collegium Sapientiæ in Freiburg*, Freiburg, 1839). KRAUS, *Die Universitäts-Kapelle im Freiburger Münster* (Freiburg-i.-B. 1890).

Foundation.

A Bull was granted in 1455[1] authorizing the erection of a University at Freiburg-im-Breisgau, on the petition of Albert VI, Archduke of Austria; and in 1457 a Ducal Charter followed erecting the University and conferring upon it the privileges of Paris, Heidelberg, and Vienna. It was endowed by the impropriation of Rectories and Prebends in the Ducal patronage. The Bishop of Bâle was Chancellor, and the jurisdiction over students was divided between the Bishop and the Rector[2].

Constitution: the two *viæ*.

The accessible data do not admit of any further account of the constitution. It was, no doubt, more or less based on that of Vienna[3]; but before the end of the century a curious modification was introduced. It was in the English Universities, and through the antagonism between the Nominalists of the English Nation and the rest of the University at Paris, that the quarrel between the Nominalists and Realists first assumed the form of a great faction-fight, dividing Masters and scholars into two hostile camps alike in the battles of the streets and in the debates of the Congregation-house. In the German Universities of the

[1] This Bull does not appear to have been a direct Bull of erection, but conferred upon the Bishop of Constance the power to erect the University, which he exercised in the following year.

[2] Schreiber, *Gesch.* II. 1–14. Albert's Charter is printed in Rieggerus, *Analecta*, p. 277; also (p. 297) a Bull of Innocent VIII in 1484 conferring on the Rector jurisdiction over clerks as well as laymen, and giving power of Absolution for assaults on clerks to the senior Doctor of Theology.

[3] Schreiber, *Gesch.* II. p. 14.

fifteenth century this feud reached a climax of bitterness and absurdity. We have seen how it had already contributed to the disruption of the University of Prague in 1409. At that time the Germans were Nominalists almost to a man; and in the purely German Universities—at Vienna and in the Universities which received the dissidents from Prague—Nominalism for a time carried all before it. But as the memories of Prague and of Constance began to die out, Realism, no longer incompatible with patriotism, seems to have revived. The Freiburg Faculty of Philosophy was, however, like the parent University of Vienna, predominantly Nominalist till the year 1484, when we find the Archbishop Siegmund ordering the University to provide a *Via Realium*. A little later a realistic section of the Faculty was actually formed under the direction of Master Northofer, who had been fetched from Tübingen for the purpose. From this time distinct lectures were given on each book by a Nominalist and by a Realist Master; and it was provided that the two persuasions should be equally represented upon the Council of the Faculty[1]. It is a singular fact that that liberty of Conscience, about which so much ado has been made in the sphere of what is technically known as Theology or 'religious instruction,' should never, in modern times, have been extended to the sphere of Philosophy, in which men's differences are no less fundamental, no less fraught with consequences alike for religious belief and for practical Ethics[2].

§ 18. BÂLE (1459).

LUTZ, *Geschichte d. Universität Basel*, Aarau, 1826. VISCHER, *Geschichte der Universität Basel bis zur Reformation*, Basel, 1860. The latter supersedes the former, and publishes more documents. Cf. also OCHS, *Geschichte der Stadt und Landschaft Basel*, vol. IV, Basel, 1819.

Æneas Sylvius, who resided at Bâle during the sessions of the Council, testifies to the educational zeal of its

Æneas Sylvius' account of

[1] Schreiber, *l. c.* II. pp. 43, 59–63. The *Via Antiquorum* at Freiburg was also styled *Via Scotistarum*.

[2] It is interesting to notice that in the 'Magnum Convictorium,' or College of this University, College life seems to have lasted till about 1774. Werk, p. 34.

CHAP. IX, § 13.

Bâle Schools.

Burgomaster and Council, who supported Masters of Grammar, Logic, and Music[1]. When Æneas mounted the Papal throne as Pius II, the Council took the opportunity of petitioning their old friend for University privileges[2].

As Pius II, grants Bull for University, 1459.

A Bull was granted in 1459 for the erection of a University in all Faculties. The Bishop was Chancellor; and the Studium was actually opened in the following year[3]. The University was under the control of a body of Deputies (*deputati*) named by the Magistrates. A College was provided and funds supplied by the Town Council; and a further endowment was obtained by the annexation of prebends varying in value from 40 to 200 florins[4]. The Statutes were based on those of Erfurt[5].

§ 14. INGOLSTADT (1459, 1472).

ROTMARUS, *Almæ Ingolstadiensis Academiæ Tomus Primus*, Ingolstadii, 1581, and *Annales Ingolstadiensis Academiæ*, ed. Mederer, Ingolstadii, 1782. PRANTL, *Gesch. der Ludwig-Maximilians-Universität in Ingolstadt, Landshut, München* (München, 1872), is one of the most serious and learned of University histories, with a full collection of 'Urkunden.'

Foundation.

Bavaria was the next German principality to grow ambitious of having a University of its own. A Bull was obtained by Louis the Rich, Duke of Bavaria and Count Palatine of the Rhine, from Pius II in 1459; but the actual erection of the University was delayed in consequence of the war in which the Duke was engaged against the Emperor Frederick III, and Albert of Brandenburg. The University was not opened till 1472[6], when 489 students were matriculated within the year[7]. In the following year

[1] *Scriptores Rerum Basil. minores* (ed. Brucker, I. Basileæ, 1752), p. 374.

[2] Vischer, pp. 265–7.

[3] *Ib.* pp. 268, 282, 290. *Basler Chroniken*, IV. (Leipzig, 1890), p. 332.

[4] Vischer, pp. 21–2, 85, 271, 307–8.

[5] *Ib.* pp. 311–314.

[6] *Annales*, I. pp. xx, 1; Prantl, I. p. 15. The Bull and Ducal Charters are given by Mederer, IV. pp. 16, 39, 42. *Inter alia* the Duke confers the privileges of the University of Athens! Though the Bull is in the usual form, a special Bull was procured to authorize promotions in the Superior Faculties in 1477. *Annales*, IV. p. 113.

[7] Prantl, I. p. 64.

there were 321 matriculations, in the next 220. From this to the end of the century the average number of annual matriculations is about 200[1]. The University received from its founder the privileges of Vienna, which had no doubt hitherto served as the University-town of most Bavarians[2]. CHAP. IX, § 14.

The Bishop of Eichstädt became Chancellor. In the main the Constitution and Statutes of the University were modelled on those of Vienna. The original draft of the University Charter professed to reproduce the Vienna division of the whole University into four Nations[3]: but in the actual Statutes of 1472 we find no Nations, and as a consequence the student-rights disappear. But the voting by Faculties is retained. The Rector is to be chosen in turn from each Faculty[4], and the whole of the Masters have seats in the General Council of the University and of their respective Faculties[5]. Soon afterwards, however, in accordance with the prevailing tendency throughout Germany, we find the Masters of below four years' standing excluded from the Councils of the Faculty of Arts[6]. But the most striking innovation in the Ingolstadt constitution arose out of the now stereotyped and traditional feud between the Nominalists and the Realists. The Faculty of Arts divided itself into two distinct sections, each with a Dean, Council, chest, and Bursæ of its own. They met only at Disputations. This expedient, however, appears rather to have fomented than appeased the heat of the metaphysical Constitution. The two *viæ*.

[1] *Annales*, I. pp. 1–59. The numbers fluctuate between 130 and 373. We may perhaps conclude that the actual numbers of the University were at least 500 or 600 (Prantl, *l.c.*).

[2] *Ib.* pp. xxi, xxxiii. A plan for making the Church of S. Mary's Collegiate, and giving the stalls to Professors nominated by the Duke, for which the Papal consent was obtained, broke down, but the revenues were applied to the benefit of the University: Prantl, I. p. 15; *Annales*, IV. pp. 19. 25. In the same way other Churches were saddled with pensions to Masters without the latter serving the cures. *Annales*, I. p. 31 *sq.* A prebend at Eichstädt seems to have been actually held by the Lector Theologiæ. *Ib.* IV. p. 25.

[3] Prantl, I. 25.

[4] *Annales*, IV. p. 60.

[5] *Annales*, II. pp. 59, 70.

[6] Prantl, II. 88. In the Statutes of 1519–20, however, we find the exception 'nisi collega, regens, aut alicuius contubernii præfectus esset.' Prantl, II. 154–5.

CHAP. IX, § 14.

combatants, and in 1478 the two *viæ* were compelled to reunite by the strong hand of the Duke[1].

Collegium Georgianum.

The Collegium Georgianum, founded by the son and successor of the founder of the University in 1494, is remarkable as being one of the few Colleges in German Universities organized on the Parisian model. Most of the Colleges in German Universities were primarily Colleges for Masters who were engaged in University teaching: the Collegium Georgianum was a College for eleven poor students under a Regent[2].

Transference to Landshut and Munich.

The University was moved in 1800 to Landshut, and in 1826 to Munich[3]. The Papal Bull for Ingolstadt contains the wholly exceptional provision that candidates for degrees should take an oath of obedience to the Holy See —almost the first instance of anything in the nature of a test in University history. Candidates for degrees at Paris or elsewhere had, indeed, been required before this to assent to various conclusions of the University itself, but no such provision had been imposed from without upon a University at its foundation. In recent times the Bavarian University has elected to its Rectorial chair the leader of the most notable modern revolt from within the bosom of the Roman Church itself against the authority of the Roman See.

§ 15. MAINZ (1476).

The only information about the University which I have been able to get is from a few documents in WÜRDTWEIN, *Subsidia Diplomatica*, Heidelbergæ, III. 1774, and a *Catalogus chronologicus Rectorum Magnificorum in Univ. Moguntina*, Moguntiæ, 1751.

Foundation.

The University of Mainz was founded by a Bull of Sixtus IV, granted on the petition of Diether, Archbishop of that See in 1476, and was endowed with one canonry

[1] *Annales*, I. p. 16; II. pp. 70, 71, 73; Prantl, II. pp. 49, 52, 77. The voting was by Faculties, the two *viæ* only counting as one. Prantl, II. p. 72.

[2] *Annales*, I. pp. 44, 47. Prantl, I. pp. 96–100; II. p. 117 *sq.*

[3] Prantl, I. pp. 697, 720.

and prebend in each of fourteen Churches of the neighbourhood, which were placed in the patronage of the Rector and 'Provisors' of the University. The Provost of S. Mary-at-steps in Mainz became Chancellor: and the University was endowed with the privileges of Paris, Bologna, and Cologne[1]. The Archbishop's first Charter to the University was issued in 1477[2], and the first Privileges in 1479. The first Rector was elected in 1478[3]. There seem to be no published materials for any further account of the constitution of this University. A document of 1483 shows that the 'Provisors' were the Rector (who was a D.D.) and the Deans of the four Faculties[4]. CHAP IX, § 16.

§ 16. TÜBINGEN (1476–7).

BÖK, *Geschichte der herzoglich Würtenbergischen Eberhard Carls Universität zu Tübingen* (Tübingen, 1774), largely occupied with biographies; KLÜPFEL, *Geschichte und Beschreibung der Univ. Tübingen*, Tübingen, 1849, and *Die Univ. Tübingen*, Leipzig, 1877; *Urkunden zur Gesch. der Univ. Tübingen*, Tübingen, 1877; STEIFF, *Der erste Buchdruck in Tübingen*, Tübingen, 1881.

Würtemberg obtained a University of its own by the foundation of Tübingen in 1477. Its Founder was Eberhard, Count of Würtemberg, with the 'co-operation' of his mother, Matilda, an Archduchess of Austria[5], and his uncle Count Ulric. Its endowment was supplied by impropriations, and especially by the annexation to magisterial chairs of the ten Canonries and Prebends in the Church of S. George at Tübingen, whose Provost became Chancellor of the University[6]. The Bull authorizing the erection of the University was issued by Sixtus IV in 1476, but was not executed till 1477, when the University was Foundation.

[1] Würdtwein, III. pp. 182, 197 *sq.*
[2] *Ib.* pp. 187, 223.
[3] *Catalogus*, p. 1.
[4] *Ib.* p. 3. A work entitled 'Modernorum summule logicales' and published by the 'Magistri collegii moguntini regentes' in 1490 indicates the existence of a Collegium.
[5] *Urkunden*, pp. 28–9.
[6] *Urkunden*, pp. 1, 11 *sq.* The Count afterwards added the first-fruits or *Decimæ Novalium* (which he had appropriated to himself), with Papal licence. *Ib.* p. 68.

CHAP. IX, § 16.

actually founded and the first Statutes drawn up by the Abbot of Blaubeuren acting as Papal delegate [1].

Imperial Bull for Laws.

In 1484 the University obtained a confirmatory Charter from the Count's kinsman, the Emperor Frederick III. The language of this Charter is remarkable since it seems to assume that the Imperial permission was specially requisite to authorize teaching and graduation in the Roman or 'Imperial' Laws—the first indication of such a theory with which we have met [2]. By this time the true idea of the purpose for which the Papal or Imperial Bull was originally sought was becoming confused. The Tübingen Charter is no doubt a somewhat unhistorical assertion of prerogative on the part of the Emperor. At an earlier period the Imperial Charter would not have been limited to the Faculty of Law; although an Imperial Charter was sometimes obtained as well as a Papal one, each authority had fully recognized the prerogative of the other in respect of all Faculties alike. The Emperor as little denied the Pope's power to found a Law University as the Pope denied the Emperor's to erect a Studium Generale in Theology.

Numbers: early distinction.

Forty Masters and 256 students were enrolled by the first Rector [3]. Among its earliest Masters appears the name of one who has sometimes been called the last of the Schoolmen, Gabriel Biel, a name of very great importance in the development of that Nominalist Theology against which the revolt of German Protestantism was in an especial manner directed. There were, however, two *viæ* at Tübingen as well as at Freiburg and Ingolstadt: but Tübingen was one of the earliest Universities to welcome

[1] *Urkunden*, p. 11 *sq.*, 39. It is observable that the original purpose of the Papal Bull has now passed out of sight: there is no express grant of the *Facultas ubique docendi*, merely a general conferment of all privileges enjoyed by other Universities. The Provost of S. George's is appointed *Studii Cancellarius*, with the powers which the Archdeacon of Bologna exercises 'in universitate Studii Bononiensis.' It will be noticed that 'Universitas studii' and 'Studium' are now practically synonymous. In the words used by the Chancellor in conferring the Licence, the 'hic et ubique terrarum' has disappeared. *Ib.* p. 260.

[2] *Urkunden*, p. 76.

[3] *Urkunden*, pp. 462, 471.

first the New Learning and then the Reformation. It numbers Reuchlin among its teachers, and Melanchthon among its students.

CHAP. IX, Summary.

It may be well at the conclusion of this brief sketch to sum up the chief characteristics of these German Universities in the form which they have assumed by the end of our period. Paris was on the whole the model from which they all started. In all essential respects in which we have not noticed a change, it may be assumed that the customs and institutions of Paris were reproduced in her German offshoots. The changes which we have noticed in successive foundations exhibit a gradual modification of the Parisian constitution; all these changes tended in the same direction, and culminated in the evolution of a form of University constitution in which it is not always easy to recognize the resemblance to the Parisian prototype. It remains for us to recapitulate the main points of difference between the German University of the fifteenth century and its Parisian original.

Summary.

(1) An important reservation must be made when it is said that the German Universities were founded on the model of Paris. The two earliest Universities—Prague and Vienna—exhibit a mixed type of University constitution. At Prague after 1372 the Jurists had a separate student-University of their own: while in the four Nations of Vienna students had a place as well as Masters, and all participated in the election of a Rector. Gradually, however, the constitution of the last University was so far modified as to place in the hands of the Masters all real academic power. This was effected by transferring most of the authority from the Nations to the Council of the University in which the Masters predominated and to the Councils of the respective Faculties which were wholly composed of Masters. In later Universities the student-rights disappear with one exception; in many of them the Rector may still be a student though not elected

Survival of Student-rights.

CHAP. IX, Summary.

by the students. The exception was of little practical importance. It perpetuated itself because it conduced to the honour and advantage of a University to have a young Prince or Count for its Rector. It is probable that it was only in such cases that a student was ever elected. Sometimes a young aristocrat was elected even if under age: in that case he was assisted and practically controlled by a Vice-Rector.

Rector and Faculty of Arts.

(2) The connexion of the Rector with the Faculty of Arts which had its root in the peculiar historical development of the Parisian constitution had by the date of the earliest German University become an unintelligible anomaly. It early disappeared both at Prague and at Vienna, and in the later Universities (with the exception of Heidelberg) the Rector might from the first be chosen from any Faculty. The Faculty of Arts always had a Dean of its own.

Nations.

(3) The special connexion of the Nations with the Faculty of Arts had likewise become meaningless. When Nations existed in the German Universities they existed as a division of the whole University. They were from the first less important than at Paris; and in the later medieval foundations they disappear altogether.

Collegiati and Councils.

(4) A fundamental difference between Paris and her German daughters lay in the fact that in the latter the teachers were from the first endowed. The endowment was usually effected, at least in the Faculty of Arts, by the erection of one or more Colleges. The Universities were thus provided with a permanent Professoriate, and this Professoriate succeeded in time in ousting the unendowed Regent Masters from all real academic power. Sometimes all Regents voted for the election of Rector and Dean; but in every case the real power was gradually transferred to the Councils, which practically constituted both the University and the Faculties[1]. The composition of these

[1] At Greifswald, in 1456, all the Masters vote in the election of Dean (Kosegarten, II. p. 297). But all academic power seems to be in the hands of a Council of twelve senior Masters, of at least two years'

Councils varied. Nearly always they included only Collegiati with such honorary members as they might think fit to coopt[1]: sometimes all Collegiati sat in the Council, sometimes only a limited number—those of a certain standing or the holders of the better-endowed Chairs. In the University Council the Faculty of Arts was often represented by only a limited number of its members, while all the Professors of the superior Faculties had seats in it[2]. Throughout the period which we have been studying there is a tendency to transfer academic power from popular Congregations, such as still rule our English Universities, to an oligarchy of permanent and endowed Professors. The change is virtually complete by the end of the fifteenth century. CHAP. IX, Summary.

(5) The Colleges stood from the first in a different relation to the University from that which they occupied at Paris. At Paris the Colleges had sprung up later than, and independently of, the University, and their original purpose was merely to provide for poor students. In the German Universities the larger Colleges were designed primarily to supply the University with teachers. Many of them formed part of the original Founder's design: at all events they were in most cases under the direct government of the University, or rather of its Faculties. The old haphazard Colleges.

standing (*ib.* p. 300), who are apparently identical with the Collegiati (*ib.* I. p. 77; II. p. 215), though extraordinary members might be added to the former (*ib.* II. p. 220). The Collegiati are a coopting body, but the election to a Collegiatura or to the prebends, with which the endowment was completed, requires the confirmation of the University (*ib.* II. 221). Here (as in other cases) many functions are reserved to a still smaller *Concilium Secretum* of the University or Faculty (*ib.* p. 229).

[1] At Rostock only the Professors of the more valuable chairs in the superior Faculties and two Masters of Arts with extraordinary members coopted by them (Westphalen, *Diplomatarium*, IV. c. 1010).

[2] In some Universities, however, as late as the sixteenth century, the unendowed Regent Masters are still required to reside for two years and do a certain amount of lecturing, probably *extraordinarie*, unless dispensed by the Faculty. So at Leipsic (1471–1490), Zarncke, *Statutenbücher*, p. 403; and at Greifswald, Kosegarten, II. p. 303: but here they are only required to lecture 'per duos menses . . . et octies disputare extraordinarie.'

CHAP. IX, Summary.

Regent system was necessarily inefficient. At Paris and Oxford it was gradually supplanted by the growth of College teaching, at least in the Faculty of Arts. In Germany the same change may be traced, but here the College teachers were from the first University teachers as well, and gradually passed into the position of a University Professoriate pure and simple. At first there was, indeed, a distinction between University lectures and College disputations or 'exercises,' the latter being given in the Colleges by the endowed Regents or in the private *bursæ* by their Rectors or Conventors. For a time College teaching and University teaching existed side by side (though given to a large extent by the same persons), but even the College or domestic teaching was regulated and required by the University[1], so that, long before the Colleges began to disappear, all teaching was practically in the hands of the University. The College or Colleges of a Faculty were in fact practically identical with the Faculties themselves, and in most cases had hardly any existence independently of the University[2].

Evolution of Professoriate.

(6) Another step towards the evolution of the modern Professoriate was taken when the subjects to be lectured on were systematically distributed among the Masters of

[1] At Leipsic 'serotinæ disputationes' are required for a degree in 1471–90 (Zarncke, *Statutenbücher*, p. 420). Private pædagogia often existed side by side with the Colleges, and the 'Exercises' in them were recognized by the Faculty as equivalent to those conducted by Collegiati in the Colleges. (See e. g. Kosegarten, *Greifswald*, II. p. 301 *sq.*) But some students still lodged with citizens (*ib.* 252—a document from which it appears that most of the Arts students were Danes).

[2] This appears with peculiar clearness at Greifswald, where the Faculty of Arts is found ordering the most minute repairs of the Collegium majus and Collegium minus and of the 'Bursæ,' which seem to have been houses included in or annexed to the Collegia proper. Kosegarten, II. pp. 243, 249 *sq.* The former passage throws a startling light on the state of sanitary arrangements in a medieval College in 1484. Money was voted 'pro quodam secreto erigendo ad commodum magistrorum, ne eos contingeret dispariter vulgari supposito rum concursu permisceri, tum eciam quia cloacæ . . . fuerunt supereffluenter replete sordibus, et sic cum difficultate expurgabiles.' The requirements of Undergraduates do not seem to have been considered; hence perhaps the partiality of the latter for the private 'Regentia' so bitterly lamented by the Collegiati.

the Faculty. We are entirely in the dark as to the manner in which the distribution of books among lecturers was effected at Paris. But perhaps in a University like Paris, where 120 Regents in Arts are said to have been teaching simultaneously, the distribution may have been left to the natural operation of the law of supply and demand. In smaller Universities (especially when newly founded) where the same number of subjects had to be divided among a very small staff of teachers, this was impossible. Hence we find on the foundation of Leipsic that it was resolved that the books should be distributed among the Regents by lot[1]. In other Universities it would appear that the distribution was effected by mutual arrangement or the decision of the Faculty. To convert these endowed Regents into Professors of distinct subjects it was only necessary that the teacher should continue to teach the same subject permanently instead of having a fresh book assigned to him at the beginning of each academical year. To trace the steps by which this change was effected would carry us beyond the chronological limits to which this work is confined.

When the power of voting at Faculty-meetings, and especially the control of the Examinations, was reserved to a Council, and the emoluments of the Ordinary Lectures to a College, a single step only was necessary for the complete evolution of the Regent Master into a Professor—i.e. to make the two restrictions coincide. This change appears to have been completed in the course of the sixteenth century, when membership of the Faculty became dependent upon a place in the College: Faculty and College became identical[2]. To trace further the development of the ancient College-system of modern Germany into the

[1] Zarncke, *Statutenbücher*, p. 309.

[2] Cf. Paulsen, *Hist. Zeitschr.* T. 45, p. 396. The full development of the system involved also (1) the making of Collegiaturæ permanent, which in the Faculty of Arts had usually not been the case; (2) the extinction of the ordinary Regent's rôle in the University as well as the Faculty; (3) the restriction of particular chairs to particular subjects.

CHAP. IX, Summary.

Professorial system of to-day, would again be beyond our province. Suffice it to say that the Professor Ordinarius of modern times is the successor of the medieval Collegiatus or Doctor-prebendary; while the Extraordinary Professors and the Privat-docenten may be considered to represent the old extra-collegiate Regents, authorized to teach and to take what fees they can get for doing so, but with no endowment or share in the government of the University[1].

[1] An Imperial Bull was granted for the foundation of a University at Frankfort in 1500 (Becmanus, *Memoranda Francofurtana*, Francof. ad Oderum, 1676, p. 12); but, as the University did not come into actual existence till 1506, I have regarded it as lying outside my subject.

CHAPTER X.

THE UNIVERSITIES OF POLAND, HUNGARY, DENMARK, AND SWEDEN.

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§ 1. CRACOW (1364, 1397).

CHAP. X, § 1.

There is a good collection of documents, *Codex Diplomaticus Universitatis studii gen. Cracoviensis* (Cracoviæ, 1870), which contains a list of books on the University, chiefly Polish (I. p. 4). The *Regestrum Bursæ Cracoviensis* (Budæ, 1821) supplies interesting information (with extracts from documents) about one of the Colleges or rather Halls. The Matriculation book has been edited by ZEISSBERG (*Das älteste Matrikelbuch der Universität Krakau*, Innsbruck, 1872), and more recently by PELCZAR (*Album studiosorum Univ. Cracov.*, Cracoviæ, 1887), and the *Acta rectoralia almæ Universitatis studii Cracoviensis* are being published by WISLOCKI (Tom. I. fasc. i. Cracoviæ, 1893). The *Acta* consist of the records of the Rector's Court, perhaps the only document of the kind at a continental University which has yet been published. I have not seen *Statuta necnon liber promotionum philosophorum ordinis in universitate studiorum Jagellonica ab anno 1402 ad annum 1849*, edidit T. M., Cracoviæ, 1849.

First Foundation by Casimir the Great, 1364.

THE University of Cracow was originally founded by a Charter of Casimir the Great, King of Poland, in 1364[1]. A Bull of Urban VI followed in the same year[2]. The Royal Charter confers in general terms the privileges of Bologna and Padua, and describes in some detail the constitution of the contemplated University. This constitution is entirely of the Bologna type, and the fullest Student-rights are conferred. Both Rector and Professors are to be elected by the students, and a Master is ineligible to the Rectorship[3]. The Rector is accorded a full and exclusive civil jurisdiction over students, and in criminal cases his

A Student University.

Jurisdiction.

[1] Printed in *Cod. Dipl.* pt. I p. 1.
[2] *Ib.* p. 6.
[3] *Ib.* pp. 2, 3.

CHAP. X, § 1.

judicial competency extends to cases of 'hair-pulling, slapping, and striking.' In serious criminal matters a clerk is to be handed over to the Bishop, a layman to the Royal tribunals[1]. Even in such cases he was not to be arrested without the Rector's consent. Salaries were assigned to Masters of Law, 'Physic,' and Arts, and charged upon the revenue arising from the salt-tax of a certain district[2]. The University was nominally founded for all 'lawful Faculties'; but Law was evidently intended to be the prominent subject, and the Pope expressly excepted Theology from the privileges conferred by his Bull. In another important point Urban VI refused his assent to the provisions of the Royal Charter. The King, in imitation no doubt of Frederick II's Neapolitan constitution, ordered that the Royal Chancellor should superintend the 'private examination,' but the Pope's Bull secured his usual rights to the Bishop of the diocese[3].

Second Foundation by Ladislaus, 1397–1400.

Whether the existence of Casimir's University was ever more than nominal is far from certain: still more doubtful is it whether it outlived the death of its Founder in 1370, and the political confusion which ensued[4]. The resuscitation of the extinct University is due to King Ladislaus Jagellow, who in 1397 procured from the Roman Pope, Boniface IX, a Bull for a Theological Faculty[5], and in 1400 issued a fresh Charter for the whole University[6]. The University was actually opened or reopened in that year[7]. In the

[1] 'Veluti pro verberali iniuria, vel si Scolaris . . . aliquem capillando vel offendendo palma vel pugno ad effusionem sanguinis laeserit.' *Cod. Dipl.* pt. I. p. 3. [2] *Ib.* p. 3.

[3] See Urban's letter to the King. *Ib.* p. 9.

[4] The Charters of 1400, though ostensibly issued on account of the new Faculty of Theology, involve complete reorganization of the Studium. Moreover, a letter of the University to the Council of Constance, in 1416, speaks of itself as being 'in sua novitate' (*ib.* p. 113). Cf. Nakielski, *Michovia*, Cracovia, 1634, p. 285.

[5] *Cod. Dipl.* pt. I. p. 24. Kaufmann (*Zeitschr. für Geschichtswissenschaft*, I. p. 26), points out that the mere fact that the Bull purports to found a new University does not absolutely disprove the existence of the old one: still where the Bull is from the same authority, it makes it improbable.

[6] *Cod. Dipl.* pt. I. p. 25.

[7] Zeissberg, p. 6.

form given to it by the new Charter, it appears very doubtful whether the University was really a University of students. It would appear that the students still elected the Rector, but the clause requiring the Rector to be a student disappears. And from the list of Rectors[1] it is evident that the office was generally, if not invariably, held by a Master; and the Masters seem—at least in all matters relating to the property of the University—to be in possession of the powers of their Parisian brethren. A College of Jurists and a College of Arts—known also as the College of King Ladislaus—were provided for the Masters[2]. A Collegium minus for the Artists was afterwards added, as at Leipsic and its daughters, Rostock and Greifswald[3]. These Colleges were Colleges of Regent Masters on the German model. No non-foundationers appear to have been admitted to them as students, but several slightly endowed Halls or Bursæ[4] were founded in the course of the fifteenth century. The salaries of the Professors in all Faculties were now supplied mainly by the impropriation of ecclesiastical dignities[5], canonries, and other benefices. In this, as in other respects, the University of Ladislaus—so far as the extant documents enable us to judge—now follows the precedents of Prague, Leipsic, and other German Universities, rather than the Bolognese traditions which had influenced the abortive scheme of Casimir the Great. The Charter of Ladislaus confers the same rights on the Royal Chancellor as that of his predecessor: but it is doubtful whether the Bishop

[1] *Cod. Dipl.* pt. I. p. 203 *sq.*

[2] *Ib.* pp. 43, 48, 73, 100, 139, &c. We hear little of Medicine at Cracow, though a Medical graduate is occasionally mentioned: but the Collegiati of the College of Arts often proceeded in Theology.

[3] *Cod. Dipl.* pt. II. p. 98; pt. III. p. 45.

[4] A Bursa Pauperum was founded in 1410 (*ib.* pt. I. pp. 82, 83), and in 1454 a Bursa Jerusalem for 100 'studentes nobiles et plebei' (p. 156). These Bursæ, founded by private liberality, but with slender if any endowments, seem to stand midway between the private-adventure Bursa or Hospitium and the 'College' of Paris or Oxford. So, in 1473, a house is given 'pro Canonistarum Bursa' (*Cod Dipl.* pt. III. p. 38). Among the Bursæ mentioned in the *Acta Rectoralia* is a Bursa Divitum.

[5] *Cod. Dipl.* pt. I. pp. 35, 38, 66, 70 *et passim.*

CHAP. X, § 1.

was not in actual possession of the University Chancellorship[1]. The Rector possessed an ample jurisdiction in the causes of scholars, whether civil, criminal, or spiritual.

Numbers.

From the re-foundation under Ladislaus the University enjoyed considerable prosperity, drawing students not only from Poland, but from the neighbouring German territories, especially from Bavaria, Franconia, Swabia, and even from the north of Switzerland. Two hundred and six students were matriculated in the first year, including no doubt some honorary incorporations of ecclesiastics who had graduated elsewhere. Between 1401 and 1410 the annual number fluctuates between 45 and 133. In 1411 the continued troubles at Prague may be the cause of the matriculations going up to 150, and from this time the number is seldom below 100, and often exceeds 200. In 1483 the matriculations go up with a bound from the 130 of the preceding year to 388, and (with some falls) the prosperity of the University was fully maintained till the end of our period. In 1500 there were 506 matriculations, representing probably an academic population of between 1500 and 2000[2].

§ 2. FÜNFKIRCHEN (1367).

WALLASZKY, *Tentamen Historiæ Litterarum in Hungaria*, Lipsiæ, 1769, p. 51 *sq.* ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881, which contains many extracts from documents.

Cathedral Schools at Veszprim, &c.

A decree of Ladislaus III, setting apart an estate for the 'reformation' of the Schools at Veszprim[3], declares that a Studium of the Liberal Arts had flourished there 'as at Paris since the acceptance by Hungary of the Catholic Faith[4].' Such a comparison might seem to suggest that

[1] See *Cod. Dipl.* pt. I. p. 79. The Bishop directs the distribution of the ecclesiastical revenues annexed to the Studium. The *Cod. Dipl.* contains an immense collection of documents relating to the property of the University, but no Statutes.

[2] Zeissberg, p. 19 *sq.*

[3] 'Ut ibidem studium quod hactenus floruerat, reformetur.' Doc. in *Cod. Diplom. Hungariæ*, ed. Fejér, T. V. vol. II. p. 347.

[4] 'Liberalium artium studia ... prout Parisius in Francia' (*l. c.*).

the Studium was regarded to some extent in the light of a *Studium generale respectu regni*: but there is no express evidence that such was the case, and as a matter of fact the first recognized Hungarian University did not develope by spontaneous evolution out of the Schools of Veszprim or any other ancient Studium, but was founded entirely *de novo* in the Episcopal City of Fünfkirchen, where it appears to have no special continuity with any older School. CHAP. X, § 2.

The foundation of the University was begun by King Lewis I of Hungary in 1360[1], but the Bull of erection was not granted by Urban VI till 1367[2]. The Studium was to be 'as well in Canon and Civil Law as in any other lawful Faculty,' except Theology. It was clearly for the Faculties mentioned that the University was chiefly intended, and—since Hungarian Law was not based on Roman—primarily for the study of the Canon Law. To teach it the Bolognese Doctor Gabranus Bettinus was provided by the Bishop with a salary of 300 silver marks or 600 golden florins, which was made (with the consent of the Chapter) a permanent charge upon the Episcopal revenues: and the Provostships of the Cathedral and two neighbouring Churches were also annexed to three Chairs of Law[3]. A few allusions in Papal Bulls suffice to show that the Studium really came into being: but the latest of them is dated 1376[4], and how long after that the University survived it is impossible to say. The allusions to Schools at Fünfkirchen in the fifteenth century[5] are certainly not of a kind which prove the existence of a University[6]. Foundation of Fünfkirchen, 1360–1367.

[1] Wallaszky, p. 51.

[2] Ábel Jenő, p. 50: sometimes wrongly dated 1382 (see Denifle, I. p. 415 *n.*).

[3] Ábel Jenő, pp. 51, 54.

[4] Denifle, I. p. 417. Cf. below, p 288.

[5] Ábel Jenő, p. 55.

[6] The statement that there were at one time 2000 (afterwards multiplied to 4000) students at Fünfkirchen before the 'Turkish Captivity' appears to rest only on the statements of seventeenth-century writers. Wallaszky, p. 51.

CHAP. X. § 3.

§ 3. BUDA (1389).

WALLASKZY, *Tentamen Historiæ Litterarum in Hungaria*, Lipsiæ, 1769, p. 51 *sq.*: ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881, which contains many extracts from documents.

Foundation, 1389.

The University of 'Old Buda' was founded in 1389 by Sigismund, King of Hungary, with a Bull granted by Boniface IX appointing the Provost of S. Peter's Chancellor: but in 1395 a Bull was issued by the same Pope[1] appointing the Bishop of Veszprim to the Provostship and Chancellorship, in spite of the want of a Doctor's degree[2]. In the following year the extant Register of the Faculty of Arts begins, and shows that the University was now in working order, at least as far as that Faculty is concerned[3].

Re-foundation, 1411.

In 1410 a Bull is addressed by John XXIII to the Papal Referendary in Hungary, which, after alluding to Sigismund's intention of founding a University in that country, directs him to report on the most suitable site for such a University[4]. It is clear, therefore, that the project was at this time looked upon as not having been fully carried out: and in the following year a new foundation-bull was issued[5]. From this time the life of the University becomes more vigorous. It sends three Doctors in Theology and two of Decrees to the Council of Constance[6]: and for some years after this there is evidence of the existence of a considerable Studium, especially in Theology. But it is probable that it did not outlive its founder, who died in 1437,

Extinction.

and certain that both Fünfkirchen and Buda must have been practically extinguished before 1465, when a Bull of

[1] The authority for the statement is Inchofer, *Annales regni Hungariæ*, Romæ, 1644, I. p. 328. Denifle (I. p. 419) tells us that the Bull cannot be found at Rome, but it is mentioned in Garampi's Catalogue, and the fact that a Studium Generale was founded by Sigismund is attested by a Bull of John XXIII. Cf. Ábel Jenö, p. 57.

[2] Ábel Jenö, p. 59.

[3] *Ib.* p. 60.

[4] *Ib.* pp. 18, 57.

[5] The only trace of this Bull known to exist is the entry in Garampi's Catalogue: 'Erectio studii generalis in oppido veteris Budæ Vesprimien. dioec *A.B. Johannis* 23, *II.*' Denifle, I. p. 421.

[6] Ábel Jenö, p. 61.

Paul II declares that there now exists no Studium Generale in the kingdom of Hungary. This Bull was called forth by a petition of King Matthias, and authorizes the Archbishop of Gran and the Bishop of Fünfkirchen to erect a University in any city of the realm approved by the King[1]. It seems that the immediate effect of this Bull was a new University at Pressburg; but some years afterwards we find a new College erected at Buda by King Matthias. It appears, however, difficult to say whether this was regarded as a revival of a new University or as a wholly new institution. The fact that its first Rector was a Friar seems to indicate that its organization was not altogether upon the usual University lines[2].

§ 4. PRESSBURG (1465–7).

SCHIER, *Memoria Academiæ Istropolitanæ*, Viennæ, 1774. ÁBEL JENÖ, *Egyetemeink a Középkorban*, Budapest, 1881. There is said to be an article by WINDISCH in *Neues Ungarisches Magazin*, II. Pressburg, 1792.

Foundation and early history.

Allusion has already been made to Paul II's Bull of 1465, conferring on the Archbishop of Gran and the Bishop of Fünfkirchen powers to erect a University in any town of Hungary selected by the King[3]. In pursuance of these powers a University was erected in 1467 at Poszony or Pressburg, situated on the great water-way of the Danube near the Austrian frontier. The house of a wealthy citizen, who had opportunely died intestate, was set apart for the Schools, and also for a College of Masters and scholars founded by the King[4]. The Studium actually opened in

[1] Ábel Jenö, p. 64; Schier, *Memoria Acad. Istropolitanæ*, p. 7.

[2] In the Dedication to King Matthias of his *Clypeus Thomistarum* (Venetiis, 1481), the Rector, Petrus Niger, thus describes the College: 'Instituisti namque hac ciuitate Buda, florentissima regni tui sede, apud Prædicatorum ordinis fratres uniuersale gymnasium, ubi cuncti generis disciplinæ, philosophiæ, theologiæ, sanctæque scripturæ, ubertim possint quod quisque cupit haurire' (Echard, *SS. Ord. Præd.* I. p. 862a). Cf. Wallaszky, pp. 5–7 *sq.* Some of the accounts here quoted border on the fabulous.

[3] See above, § 3.

[4] Ábel Jenö, pp. 66, 68, 78; Schier, p. 12. The date is given by an horoscope preserved in the Civic Library at Vienna, inscribed 'Figura coeli hora Institucionis Universitatis

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the same year under Masters of Theology, Canon Law and Arts, hired from Vienna, France, and Italy[1]. The documentary allusions to the University are sufficiently numerous to show that it enjoyed a robuster life than its predecessors, and lasted till the war between King Ladislaus and the Emperor Maximilian made peaceful studies impossible in Hungary. Both the King and the Archbishop, who concurred in its foundation, were much given to judicial Astrology, and such fame as the University acquired was due to the Astrological eminence of its Masters[2].

Constitution.

The original Bull of Paul II gave the Apostolic delegates named therein power to frame Statutes 'on the model of the University of Bologna,' and that clause contains the only clue which appears to be forthcoming as to the constitution of this and other Hungarian Universities[3]. The Archbishop of Gran was Chancellor, and an Archiepiscopal Ordinance conferred on the Vice-Chancellor, the Provost of the Church of Pressburg, a comprehensive jurisdiction in all cases—spiritual, civil, and criminal—in which a scholar was engaged, reserving, however, an appeal to the Archbishop[4].

§ 5. UPSALA (1477).

ANNERSTEDT, *Upsala Universitets Historia*, T. I, Upsala, 1877. This may be a convenient place to mention DAAE, *Matrikler over Nordiske Studerende ved fremmede Universiteter*, Heft I of which (Christiania, 1885) gives the list of Scandinavian students for Prague and Rostock.

Foundation and

A Bull for a University at Upsala was issued by Sixtus IV in 1477, on the petition of the Archbishop of

histropolitane Anno domini 1467°.' The town of Poszony was not previously known as *Istropolis*, and on this account Schier supposes that the University was originally founded at Gran, and afterwards transferred to Poszony, higher up the Danube, where it would be less exposed to Turkish inroads, and enjoy easier communication with the civilized West.

[1] Ábel Jenő, p. 69; Schier, p. 22. It is not clear, however, whether those from France and Italy ever actually arrived.

[2] Ábel Jenő, pp. 70 *sq.* 78; Wallaszky, *Tentamen Hist. Litt. in Hung.* pp. 20, 26.

[3] 'Ad instar studii Bononiensis,' Ábel Jenő, p. 65.

[4] Ábel Jenő, p. 76.

Upsala and the Bishops and clergy of Sweden. The Bull declares that the University was to be on the model of Bologna, and confers the privileges of that University[1]. No early Statutes of Upsala are extant, but there can be little doubt, in spite of this declaration, that some German University, such as Cologne or Rostock, with which Swedish ecclesiastics were familiar, was the real model for the new University. The Archbishop, James Ulfsson, was its true Founder. It was closely connected with the Cathedral: it is even said to be founded 'in the Metropolitan Church of Upsala[2].' No Royal Charter was issued, though the Archbishop's Ordinance recites that Steno the Governor and the Council of the Realm had conceded to his foundation the Royal privileges of Paris[3]. Such endowments as the University possessed came from the annexation of Prebends in the Cathedral Church. There is evidence that Lectures in Theology and Arts really began in the foundation year and continued till the close of the century[4]. At that time we find a Professor of Theology endowed with a Cathedral prebend, a Professor of Law and a 'College' of four Regent Masters of Arts[5].

early history.

§ 6. COPENHAGEN (1478).

BARTHOLINUS, *De Ortu et Progressu et Incrementis Regiæ Academiæ Hafniensis*, Hafniæ, 1620 (no pagination). MATZEN, *Kjøbenhavn's Universitets Retshistorie*, 1479–1879, Kjøbenhavn, 1879. WERLAUFF, *Kiøbenhavns Universitet fra dets Stiftelse indtil Reformationen*, Kiøbenhavn, 1850. RØRDAM, *Fra Universitetets Fortid*, Kjøbenhavn, 1879.

Foundation and constitution.

The University of Copenhagen—since 1443 the capital of the Danish Kingdom—was founded under a Bull granted by Sixtus IV in 1475 on the petition of King Christian I[6].

[1] Annerstedt, I. Docs. pp. 1–4.

[2] *Ib.* I. Docs. p. 6: 'apud metropolitanam ecclesiam Upsalensem.'

[3] *Ib.* I. Docs. p. 7.

[4] *Ib.* I. p. 30 *sq.* The evidence is chiefly derived from MS. notes or dictates by Students.

[5] See the Archiepiscopal Ordinance of 1504, which assigns 130 marks from the Cathedral revenues (Docs. p. 414). But it would seem that some endowment out of Cathedral funds must already have been provided, since the College of Arts is assumed to be in existence.

[6] Matzen, I. Docs p. 1. According

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The Bull runs in a form not unusual at this period: it authorizes the Primate, the Archbishop of Lund, to erect a Studium Generale in any place selected by the King, to frame Statutes for it, and to make the Bishop of the diocese Chancellor. The Chancellor is to have all the powers of the Archdeacon of Bologna, but in the conferment of degrees he is to observe the constitutions of Vienne[1]. In 1478 the University was actually planted at Copenhagen by Royal Letters-patent[2]. By these letters the Bishop, Dean, and Provost of Roskild, together with the Dean of Copenhagen, were appointed Royal Conservators with an apparently unlimited jurisdiction over students. In 1479 a Code of Statutes was promulgated by the Archbishop of Lund[3]. They are little more than a transcript of the Statutes of Cologne, which were themselves based on those of Vienna. Cologne had, no doubt, hitherto been one of the chief places of education for Danish students; and thence came the first Professors of Copenhagen[4]. The University was brought to an end in 1530 by the civil and religious commotions of Denmark, and was re-founded as a Protestant University in 1539 by Christian III, three years after the definitive triumph of Protestantism in that country[5]. The University had originally been endowed with a few impropriations, but it remained poor and obscure until its re-foundation by Christian III.

Collapse and re-foundation, 1539.

to Bartholinus, a Bull had been granted in 1420 by Martin V, but remained unexecuted.

[1] See above, vol. I. p. 232.

[2] Matzen, I. Docs. p. 3.

[3] Matzen, I. Docs. p. 4.

[4] Werlauff, p. 6; Rørdam, p. 19.

[5] Bartholinus; Matzen, I. p. 78.

CHAPTER XI.

THE UNIVERSITIES OF SCOTLAND.

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THE UNIVERSITIES OF SCOTLAND.

§ 1. S. ANDREWS (1413).

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No regular History of the earliest Scotch University has yet appeared. There is a useful sketch by J. M. ANDERSON (*The University of St. Andrews*, Cupar, 1878, with *Supplement*, 1883), which, it is hoped, he will soon replace by a larger work. Some information is given and some documents are printed in LYON, *Hist. of S. Andrews*, Edinburgh, 1843. See also Sir ALEX. GRANT'S *Story of the University of Edinburgh* (London, 1884), a chapter by the late Principal SHAIRP in *Sketches in History and Poetry* (Edinburgh, 1887, p. 132 *sq.*), and a slighter sketch by ANDREW LANG in *St. Andrews*, p. 68 *sq*, London. 1893. But the most important printed source of information at present is the *Report of Commissioners to visit the Universities of Scotland*, London, 1831, and *Evidence*, vol. III. 1837, with *App. of Documents*. I have used two MS records preserved in the University Library, (1) *Acta Facultatis Artium ab initio Studii S. Andree fundati et privilegiati per Benedictum papam anno domini MCCCCXIII*; and (2) *Acta Rectorum*, dating from 1470.

The Scotch student abroad.

THE adventurous disposition of young Scotchmen dates from the early Middle Ages. Like the Scotch soldier of fortune of that time, and the Scotch clerk or merchant of to-day, the Scotch student was to be found everywhere. Scotchmen—at least lowland Scotchmen—contributed an important element to the 'Boreales' of the English Universities. But the bitter hostility between the two nations and the close intercourse between the Scotch and the French Courts naturally contributed to keep up in Scotland the habit of seeking education on the Continent long after the practice had become very exceptional in England. A Scots' College was, as we have seen, founded at Paris by a Bishop of Moray in 1326; and there are many traces of the

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presence of large numbers of Scotchmen in the smaller French Universities during the medieval period. They also had a Nation to themselves at Padua.

Foreign models for Scotch Universities.

At a later time this habit of seeking education abroad had important effects in Romanizing the Law of Scotland. To provide the country with educated lawyers was no doubt a prominent object with the Founders of the Scotch Universities from the first, though (as we shall see) their object was not accomplished to any great extent till after the close of our period. It was probably from the lesser French Universities, such as Orleans and Angers, in which the Bologna system of Student-elections was modified by the reservation of greater rights to the Bishop on the one hand and to the Masters on the other, that the Scotch University-founders derived the ideal which their earliest constitutions and charters seem to imply. That ideal was, however, very imperfectly realized. Though the study of Canon Law was a prominent object with all the Founders, the Faculty maintained but a slender, and, at times, an even nominal existence in medieval Scotland [1]. The only Faculty which really succeeded in the early days of the Scotch Universities was the Faculty of Arts; and the traditions of the Scotch Faculties of Arts were derived ultimately from Paris [2], and more immediately perhaps from the younger daughters of Paris, the Universities of Northern Germany and the Low Countries, which

[1] At S. Andrews, Theology and Canon Law are mentioned in the MS. *Acta Fac. Artium*, ff. 1 *b*, 4 *a*, 17 *a*. For a most interesting account of pre-University education in Scotland, see Edgar, *History of Early Scotch Education* (Edinburgh, 1893), the chief defect of which is the common assumption that Schools for seculars connected with Monasteries were taught by monks.

[2] 'Quod more parisiensi libri consueti legantur ordinarie' (MS. *Acta Fac. Artium*, f. 1 *b*). The Parisian Nominalism reigned at S. Andrews: 'Quod doctrina Alberti adhuc non legatur in isto studio sed Buridani' (*l. c.* f. 4 *a*). Here, however, as elsewhere, there was a reaction. In 1438 a motion for suppressing the 'doctrine' of Albert and Petrus Hispanus in favour of Buridan was carried by twenty-one to five, but eventually leave was granted to teach 'via domini Alberti vel cujuslibet alterius philosophi ab ecclesia recepti' (*l. c.* ff. 21*b*, 22*a*). At Glasgow (in 1482) the 'Via Antiqua' prevailed, since Petrus Hispanus is the Logical Text-book. *Mun. Univ. Glasg.* II. p. 25.

were much frequented by Scotchmen. Consequently the modified Student-autonomy contemplated by the original Founders early sank in practice to a mere phantom in the Universities in which it has nevertheless longest maintained its ground.

Foundation of S. Andrews, 1411–3.

Till the beginning of the fourteenth century there were no Schools in Scotland beyond the ordinary Church-schools, which taught Grammar and Logic to the poorer ecclesiastics who could not afford to wander far from home in quest of learning[1]. The first steps towards the foundation of the University of S. Andrews were taken in 1411, in which year the Bishop granted a Charter of Privilege. At that time the Schism—aggravated instead of cured by the election of a third Pope at Pisa—had rendered the position of the Scotch adherents of Peter de Luna more than usually uncomfortable in Oxford and even in the generally more congenial Universities of the Continent. The Founder of the first Scotch University was Henry Wardlaw, Bishop of S. Andrews, the legate and foremost champion of the Anti-pope of Peniscola, then deserted by all his former adherents except Scotland and Spain. The Bull of Benedict XIII was not actually granted till 1413[2], when it was promulgated with great

[1] E. g. the thirteenth-century Statutes of Aberdeen Cathedral require that the Chancellor 'prouidebit de ydoneo magistro qui habeat regimen scolarum de Aberden qui sciat pueros tam in grammatica quam in logica erudire.' (*Registrum Episcopatus Aberdonensis*, Maitland Club, 1845, II. p. 45). In the *Council Register of Aberdeen* (Spalding Club, 1844, p. 5, an. 1418), is the statement that 'ad dignitatem cancellarie predicte collacio beneficii Magistri Scolarum burgi de Abirdene pleno jure noscitur pertinere' (cf. *ib.* p. 37), but the Master was presented by the Provost and Town Council—an interesting indication that Town Schools were not free from ecclesiastical jurisdiction (as seems to be assumed by Kaufmann, *Gesch. d. deutsch. Univ.* I. p. 110). The Master was invested 'per donationem birreti mei' (the Chancellor's)—a fragmentary kind of graduation. Mr. J. M. Anderson (p. 4) gives some instances of education at S. Andrews, and adds, 'The Exchequer Rolls also testify that during the fourteenth century the sons of the Scotch nobility were frequently boarded in St. Andrews for their education.'

[2] *Documents*, p. 171. In this Bull 'Studium Generale' and 'Universitas studii' are treated as synonymous. Wardlaw's deed of foundation is recited in Benedict's confirmation. *Ib.* p. 173.

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pomp in the Cathedral Church[1]. The Bishop was made Chancellor; the Bishop of Brechin and the Archdeacons of Glasgow and S. Andrews were named Conservators Apostolic; and the Rector, by a very unusual provision of the Papal Bull, is required to be a graduate and in holy orders[2]. Though the Bull is stated to have been granted on the petition of the King as well as of the Bishop and Chapter, no Royal Charter was issued before the Confirmation of the University's privileges by James I of Scotland in 1432[3]. This is accounted for by the fact that at the time of the foundation the Scotch King was a prisoner in English hands. Most of the earlier privileges — the Rector's jurisdiction in the causes[4] of scholars, his power of correction for offences in connexion with the Assize of bread and beer, and various fiscal immunities—were conferred by the Bishop in virtue of his temporal jurisdiction over his Episcopal City.

Constitution.

The University consisted of both Masters and scholars, but the real power was lodged with the Professorial body; in this respect the constitution of the University exactly resembles the later condition of such Universities as Orleans and Angers. The Masters and students—divided into the Four Nations of Fife, Lothian, Angus, and Britain, each with its Proctor[5]—elected the Rector; but by a custom having practically the force of Law, their choice at length came to be limited to the Principals and Divinity Professors[6]. It is curious that recent nineteenth-century

[1] Boethius, *Scotorum Hist.*, Parisiis, 1575, f. 342; Martene, *See of S. Andrews*, S. Andrews, 1797, p. 232.

[2] *Documents*, pp. 171, 172, 174. The principal Papal privilege was of course the usual dispensation from residence, granted at the time of the foundation. *Ib.* p. 172.

[3] *Ib.* p. 18. It appears, however, from Benedict's Bull that the consent of the Scotch Parliament had been obtained.

[4] 'Dummodo ad atrocem injuriam non sit processum' (*Ib.* p. 173). An agreement of 1444 between the citizens and the University recognizes a right of appeal to the Bishop from all Rectorial sentences. *Ib.* p. 177.

[5] The Proctors are mentioned in *Acta Fac. Art.* f. 10 *b*. The *Acta Rectorum* show that the Proctors presided over the election of the Intrants, by whom the Rector was elected.

[6] In 1625 the Senatus Academicus 'jusserunt ne quisquam eligeretur rector, præter primarios collegiorum magistros' (*Documents*, p. 203). The

legislation should have restored to the students the old medieval liberty of choice, which they now usually exercise in favour of some eminent party politician or man of letters. The Rector and Professors formed the Senatus Academicus, with whom all real academical power was lodged. The means by which the Masters succeeded in reducing the student-vote in the University to a mere fiction would seem to have been the doctrine that the consent of the Regent Masters of Arts was required for any vote involving the expenditure of money[1]. The University, as distinct from the Faculties, had no common purse, and the Faculties were composed exclusively of Masters, who of course elected their own Deans[2]. And the Faculties—that is to say, for all practical purposes, the Faculty of Arts—succeeded in reducing the University to a mere name except for the celebration of the Rectorial elections, and even these ultimately, as we have seen, passed into a mere formality[3].

Suppression of Student-rights.

By the fifteenth century it had come to be generally recognized that a new University could not succeed without endowments. At S. Andrews these endowments were provided by the establishment of Colleges, very much of the type characteristic of the German Universities. In the first place the Faculty of Arts practically resolved itself into a College by setting up a Pædagogy for the reception of students, exactly on the model of the Pæda-

The Pædagogy.

'public' Professors were made eligible in 1642. *Ib.* The late Principal Tulloch, when a student at S. Andrews, led a student-protest against the custom by which the Rectorship was 'filled by certain professors in rotation, without any reference to the wishes of the students.' (Mrs. Oliphant, *Memoir of the Life of John Tulloch, D.D.*, 3rd ed., Edinburgh, 1889, p. 10).

[1] In 1418 'conclusit facultas quod stante dispositione universitatis quod tam graduati quam non graduati, tam magistri quam scolares habeant vocem in deliberacionibus universitatis, universitas non potest disponere nec ordinare de pecuniis alicuius facultatis et sibi propriis sine consensu et voluntate magistrorum regentium in facultate' (MS. *Acta Fac. Artium*, f. 4 *a*).

[2] Deans of Theology and Arts are mentioned, and Mr. Anderson informs me that he has seen a reference to a Dean of Canon Law.

[3] A resolution of the Faculty practically making itself independent of the University occurs in the *Acta* of 1420 (f. 6 *a*).

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gogies of Leipsic or Rostock. For this house the Founder himself provided the site and gave an endowment for building the College and Chapel, but none for the support of the Masters or scholars[1]. A few small benefactions were added later in the shape of Chaplaincies to be held by Masters of the Faculty. Residence in the Pædagogy or a regular Hall was from the first compulsory[2], except in the case of poor students or those living with their parents or their parents' friends in the town. The first endowed College was the College of S. Salvator, founded by James Kennedy, Bishop of the See, in 1450, and confirmed by Pius II in 1458. It consisted of a Doctor of Divinity as Provost a Licentiate and a Bachelor of Divinity to provide for the University teaching in that Faculty, with four Regent Masters of Arts and four simple students[3]. The addition of a few undergraduate members slightly differentiates this foundation from most of the German Colleges; but, as they had no share in the government of the College, the difference is not important. The Scotch Colleges resemble the German in being primarily endowments for University teachers, not endowments for students like the Colleges of Oxford and Paris.

S. Salvator's College, 1450.

[1] See 'the Donatio Fundi seu Terræ Pædagogii per Henricum Episcopum, Decano et Facultati Artium' (*Documents*, p. 351 *sq.*), which is given 'ut videlicet regentes et magistri in dicta artium facultate scolas artium et, si opus fuerit, grammaticales inibi valeant tenere, regere, et gubernare.' The Collegium S. Iohannis Evangelistæ mentioned in the *Acta* appears to be identical with the Pædagogy, which was situated 'prope capellam beati Iohannis ex parte occidentali' (*Acta Fac. Art.* f. 10 *a*).

[2] 'Quod omnes studentes in artibus viverent collegialiter et quod non audirent sub aliquo magistro vel aliquibus magistris nisi tenentibus domicilium' (MS. *Acta Fac. Artium*, f. 1 *b*). Thus Masters were forbidden to teach unless they also kept a Hall: 'quod nulle scole regerentur in facultate artium nisi per modum aule uel pedagogii nocte et die sub regimine et custodia magistrorum nec admitterentur venientes ab extra nisi pauperes et illi de villa in fauorem burgensium' (*l. c.* f. 2 *a*). In f. 2 *b* lodging with 'amici' by the parents' leave seems recognized. Masters continued to be nominally bound to lecture as Regents for two years, unless dispensed (*l. c.* f. 2 *b*), but the dispensation was probably granted as a matter of course; and the non-regents still retained some rights, being appointed Assessors to the Dean.

[3] *Documents*, pp. 269–273.

The existence of the general Pædagogy of the Faculty did not at first prejudice the right of other Masters to open Halls or Pædagogies of their own, and to teach pupils who chose to enter them. But in 1429 we find the Masters resolving that, in consequence of the 'discords and scandals' which arose from this freedom, there should in future be only one Pædagogy or College[1]. Since teaching outside the Pædagogies was not allowed, and only a limited number of Masters could find places on the staff of the College, the ultimate effect of this measure was to revolutionize the educational system of the University. Instead of a shifting body of graduates teaching in virtue of their oath of residence or the inherent right given them by their degrees, the teaching Masters passed into a permanent co-optative Professoriate, though it is only at a comparatively recent period, in this and other Scotch Universities, that the teachers of the Faculty of Arts have become specialized teachers of particular subjects, and still more recently that they have abandoned the ancient medieval title of Regent for the more imposing but (in its present sense) more modern style of Professors.

Abolition of private Pædagogies.

Growth of a Professoriate.

The Pædagogium was afterwards supplanted by S. Mary's or New College, founded in 1537 by James Beaton, Archbishop of the now Metropolitan See[2], the older institution having by that time become almost extinct[3].

S. Mary's College, 1537.

[1] MS. *Acta Fac. Artium*, f. 10 *b*. In the next year 'deputati' were appointed to choose 'viros honestos quorum labore pedagogium gubernaretur et scolares ab excessibus et vagis cursibus cohiberentur' (f. 11 *a*). In spite of these resolutions, however, other Pædagogies were allowed to continue, though migration from one to another was suppressed in 1432 (ff. 12 *b*, 13 *b*). The single Pædagogy was restored for a time in 1453 (f. 39 *a*), but again we find the old liberty till 1460, when a single Pædagogy was once more resolved on (f. 48 *a*).

[2] Grant, I. p. 14.

[3] If Grant is right in saying that S. Mary's College occupies the site of the Pædagogium, it would seem that the Pædagogium had practically appropriated an endowment originally left to the University itself. See the 'Carta donationis Tenementi et Annui redditus Roberti de Monte Rosarum Collegio Theologorum et Artistarum, ubi nunc est Collegium Theologicum, seu Marianum' of 1418 (*Documents*, p. 350). This document erects 'quoddam Collegium Theologorum et Artistarum,' and appoints a Master or Rector, assign-

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It should be observed that the Colleges of S. Andrews received by Papal grant the anomalous privilege of examining their own candidates for degrees[1]. The Uni-

ing 'ejusdem institutionem et destitutionem ad theologicam facultatem; quâ deficiente vel non existente, ad facultatem artium; quibus facultatibus ibidem desinentibus vel non existentibus ad collationem civitatis antedictæ.' But no mention is made of any other members of this 'College' except a Chaplain to say mass, whom the Master is to keep out of the endowments. The bequest seems really to have been a bequest to the University; its peculiar form being dictated by the desire to provide for the continuance of the Masses in what seemed the very probable event 'si . . . has facultates theologiæ et artium magistrum (*lege* magistrorum) contingat deficere, sive ad alium locum vel civitatem se transferri' [*sic*]. In the year 1484 a certain David Lyndsay de Byris leaves a rent charge of 40*s*. 'facultati artium sive pedagogio' (*Documents*, p. 351), an expression which illustrates the complete identity of the Faculty of the Arts and the unendowed 'College' annexed to it. In 1494 Alexander Inglis, Archdeacon of S. Andrews, founded a Chaplaincy in the Cathedral for one of the Masters (*ib.* pp. 352, 353). Other Chaplaincies were founded in 1501, and in 1512 the Parish Church of S. Michael's was impropriated for the College (*ib.* pp. 354–356).

[1] A Bull of 1468 granted to the Provost and Canons of S. Salvator's 'quod in loco Collegii qui ad hoc liber sit de cetero lectiones et auditiones pro forma ad gradus in Theologia et in Artibus requisite fieri, et volentes promoveri ad Licentiæ sive Magisterii gradus, tam in Theologia quam in Artibus hujusmodi, juxta consuetudinem Universitatis Studii Sancti Andreæ, temptari, examinari, et per præpositum Collegii ejusdem, cum electis per eum quoad hoc obligatis Magistris examinatoribus ad secretum et fidele judicium, ad gradum Licentiæ et Magisterii, digni videlicet recipi, et indigni repelli possint, secundum examinantium conscientias, nec promoti sive promovendi pro tempore alibi quam in eodem collegio Bursas solvere consuetas compellantur (consuetudinibus ejusdem Universitatis facultatis artium, etiam juramento vallatis, non obstantibus) . . . absque tamen Cancellarii et aliorum quorum interest præjudicio' (*Documents*, pp. 273, 274). This grant seems to confer on the College the exclusive right to examine and take fees from Graduands, but not the right to actually confer degrees without the intervention of the Chancellor. The question is more doubtful with respect to the Bull of Paul III in 1537, which conferred upon the 'Regents and Superiors' of S. Mary's College the right 'juxta dictæ Universitatis consuetudines seu alias promovendi, et ipsorum graduum solita insignia et [*sic* exhibendi' (*ib.* p. 358). Grant (I. pp. 12, 16) assumes that in both cases the College actually conferred the degrees. This was certainly the case with the Post-Reformation Marischal College of Aberdeen (1593), which was and continued to be till the present century, a wholly distinct University ('the University of New Aberdeen') with Chancellor and Rector of its own. By this time the distinction between a University and a College, hitherto retained even when the two were practically coextensive, was becoming confused.

versity was thus for practical purposes broken up into Colleges far more completely than the Universities of Oxford and Cambridge. In 1579 James VI of Scotland, at the suggestion of the learned Buchanan, appropriated S. Mary's College to the Theological Faculty[1]. The other two Colleges—S. Salvator's and S. Leonard's (united in 1747)[2]—which were annexed to the Faculty of Arts, continued to lodge and board their foundation-members till 1820, though residence in them ceased to be compulsory in 1747. The mere accident that the accommodation was insufficient to house the non-foundationers is probably the main cause of the decline of the 'Collegiate system' in this and other Scotch Universities. By 1747 the buildings had become so bad that the foundationers petitioned to be released from residence, while in 1820 the *ménage* of the common-table, which possibly continued the old medieval scholar's mode of life more completely than any other institution still surviving in Europe, proved too austere even for that austerest of modern scholars, the poor Scotch student. Henceforth the rights of the Bursars were commuted for a money payment: the Colleges continued to exist merely as endowments for Professors and 'Bursars,' i.e. non-resident foundation-scholars[3].

[1] *Documents*, p. 183.

[2] *Documents*, p. 278. S. Leonard's was founded in 1512. *Ib.* p. 274.

[3] See the interesting pamphlets, *A brief Inquiry into the rights and privileges of the Foundation Bursars of the United College of S. Salvator's and S. Leonard's* (Dundee, 1842), and *A true account of the Regulation and Management of the Foundation Bursaries of the United College, St. Andrews* [by Ch. Rogers], Dundee, 1843. At Aberdeen an attempt to enforce residence on all students of King's College was made as late as 1753, when a resolution of the College declares that 'it hath been found by experience that *the late practice* of students lodging and eating in private houses in different parts of the town is attended with many inconveniences' (*Report of Commissioners*, 1837, vol. IV. p. 175). Voluntary residence died out at about the same time as at S. Andrews, i.e. *circa* 1820. C. Innes, *Sketches of Early Scotch Hist.* p. 307. At Glasgow, the common tables were given up in 1688 (*Documents*, pp. 540, 549), but there were still a few students in College in Reid's time. *Ib.* p. 152.

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§ 2. GLASGOW (1450).

Report of Commissioners for visiting the Universities of Scotland, 1831, and *Evidence*, 1837, vol. II. with *App. of Documents*, p. 255 *sq.* There is an interesting Chapter on Glasgow by COSMO INNES. in *Sketches of Early Scotch History*, Edinburgh, 1861, p. 220 *sq.* *Munimenta Universitatis Glasguensis* (Maitland Club), ed. C. Innes, Glasgow, 1854—a complete and splendid collection of documents down to 1750. *Memorials of the Old College of Glasgow*, Glasgow, 1871: re-edited as *University of Glasgow, Old and New*, Glasgow, 1891. BLACKBURN, *Short Sketch of the Constitutional History of the University of Glasgow*, London, 1858. There are a few short notices of the old Scotch Universities in MACKINTOSH, *Hist. of Civilisation in Scotland*, London, 1878.

Foundation, 1450.

The University of Glasgow was founded in 1450 by William Turnbull, Bishop of the See, under a Bull of Nicolas V, which conferred the privileges of Bologna[1]. Its *de facto* existence appears to date from about 1453.

The Pædagogy.

A building of some kind seems to have been from the first rented for Schools and perhaps students' chambers[2], and about the year 1460 a regular Pædagogium was built on ground given by the first Lord Hamilton[3]. Here the old Collegiate building of the University was never superseded by the foundation of later and more independent

[1] *Munimenta*, I. p. 3 *sq.* The Royal Letters Patent (*ib.* p. 6), and the Bishop's Charter of Privilege (*ib.* p. 7) were issued in 1453. Hector Boece (*Scotorum Hist.*, Parisiis, 1575, f. 378), dates the foundation in 1454. The Statutes give 1451 as the date of the foundation. We may assume that the University had a formal existence in this year, but did not really begin work till some years later. Here also the juridical privileges—very much the same as at S. Andrews—were conferred by the Bishop on his own authority.

[2] Innes, *Sketches*, p. 245; *Munimenta*, Pref. p. xxxvi. II. p. 191; *Report* (1831), p. 215. A house is still pointed out in Rotten Row as the 'Auld Pedagogy,' but from *Munimenta*, p. 182, it would appear that the Schools of the Faculty were 'in Vico,' which is more likely to mean the High Street (the site of the later Pedagogy). The tradition about the 'Auld Pedagogy' may have grown out of the fact that the Chantry of S. Michael's in the Cathedral, which belonged to the University, was endowed with a house in Rotten Row. See *Munimenta*, pp. 49, 58, 76, 189. Innes translates 'in Vico' *in the town*! It is clear from *Mun.* II. p. 204 that the Faculty was not located in Rotten Row when the new Pædagogy was built.

[3] *Munimenta*, I. p 9.

Colleges, and the seventeenth-century Pædagogy, built on the old site, continued to be the local habitation of the University down to the erection of its present splendid abode in 1869, though the old College-life had long disappeared[1]. 'College' and 'University' here became almost indistinguishable terms. The want of adequate endowments was long fatal to the progress of the University. The Faculty of Canon Law is the only one of the superior Faculties which seems to have been represented even by a single Doctor[2]. In the Faculty of Arts the annual matriculations were usually under twenty[3]: and in 1572 even the Pædagogy is described as a ruin and its studies as 'extinct.' In that year the University was endowed by the City Corporation with the property of the suppressed Convents of the Mendicants[4]; soon after which it took a new and more vigorous lease of life as a Protestant University under the *Nova Erectio* of James VI[5].

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Nova Erectio, 1577.

The Constitution of the University was very much on the lines of S. Andrews. There were—theoretically at least—the Four Faculties with their Deans (though only the Dean of the Faculty of Arts ever puts in an actual appearance), the Four Nations—Clydesdale, Teviotdale, Albany, and Rothesay—with their Proctors elected by the whole body of Masters and students, the Rector elected by the four 'Intrants' of the Nations, and the Bishop-Chancellor for the conferment of the Licence[6]. The earliest extant Statutes

Constitution.

[1] It would at first appear to have had no endowments for students, though various benefactions were left for the support of the Regents and College generally. The first Bursaries were founded in 1563. *Munimenta*, I. p. 66.

[2] *Munimenta*, II. p. 19.

[3] *Munimenta*, II. p. 67.

[4] *Munimenta*, I. pp. 71, 82.

[5] *Munimenta*, I. p. 103. Gavin Dunbar, Abp. of Glasgow, contemplated the foundation of a College at Glasgow in 1527 (pp. xii, 49), but nothing seems to have come of his design.

[6] *Munimenta*, II. p. 43, &c. After the Reformation, Thevidalia was changed to Laudonia; Clidisdalia and Albania have become Glottia and Transforthia; Rothesay was at one time called Siluria. *Munimenta*, Pref. p. xiii. The system of electing by Intrants in the Parisian fashion was restored in 1727; but it was ordered that the Proctor should first hold a meeting of the Nation to decide the Intrant's vote—an interesting illustration of the tendency of indirect election to pass into direct.

CHAP. XI, § 2.

—those of 1482—make it plain that the University was intended by its Founder to be one of the Bologna pattern—a student University[1]; a desire no doubt inspired by the ambition that his University should become a great School of Law. But, as we have seen, the only Faculty which had any serious existence was that of Arts; and the extreme youth of its pupils as well as the whole habits of the country into which it was attempted to introduce the exotic University-system were fatal to the success of such a scheme. The University Statutes[2] contemplate General Congregations of the whole body of Masters and students summoned by the Rector, but in the general Congregations of the Faculty of Arts it is evident that only Masters were present[3]. Practically the whole administration of the University was vested in the Principal and Regents: and as the students were required, in the absence of special dispensation, to live in the Pædagogy under the discipline of the Regents[4], it is obvious that the student autonomy was reduced to a mere shadow. Only on occasions of the Rectorial elections was the organization of Nations and student Proctors called into actual existence—for which purpose it has lasted down to the present day. The Statutes of the Faculty of Arts by their frequent appeals to the customs of the University of Cologne, betray the model upon which the University of Glasgow was really built[5]: though here the Regents succeeded in reducing the students to a state of schoolboy subjection which was hardly accomplished in Germany. In 1532 a Congregation of the Faculty of Arts presided over by the Rector of the students' choice (though himself a Master) enacted that any student who was caught

[1] *Munimenta*, II. p. 3 *sq.*

[2] *Munimenta*, II. pp. 6, 7.

[3] *Munimenta*. II. p. 17 *sq.*

[4] 'Quod quilibet studens in facultate artium potens stet commensaliter cum regentibus in collegio.' Poverty is the only ground of excuse recognized. But it is contemplated that they will not all be able to sleep in College: 'dormiant in cameris collegii tot quot commode et honeste locari poterunt' (*Munimenta*, II. p. 17).

[5] There is no positive evidence for the theory of Innes and others that Louvain was in a special manner the model of Glasgow. The features noticed in proof of this are common to many North-German Universities besides Louvain.

out of his bed-chamber after the bell for silence had rung or who should 'rashly and temerariously' meet the Rector, Dean, or one of the Regents in the streets without seeking to avoid their awful glance, or even play any game, 'otherwise lawful,' in their presence, should be subjected to severe and public corporal chastisement[1]. A century later even playing at ball—one of the few recreations tolerated by medieval disciplinarians—had become criminal[2]: while bathing—a great offence in Puritan eyes—was visited with expulsion as well as flagellation[3]. It is curious that the merely accidental breakdown of the College system should have restored, in the Universities which had at one time exhibited more of the appearance of Schools for boys than any other in the world, much of the old medieval freedom of life.

The constitutional effects of this merging of the University

[1] 'Quod nullus studentium dicti collegii post pulsum silentii in eodem factum tempore scrutinii per regentes exerciti notetur extra suum cubiculum intra locum, nisi de facultate regentium petita et habita, sub pena gravis punitionis pro primo delicto, caligis ad hoc laxatis, pro secundo acriori punitioni subjicietur, et pro tertio sequestrabitur a gremio dicti collegii, ad voluntatem regentium' (*Munimenta*, II. p. 41). 'Statuimus ut nullus predictorum studentium temerarie et inverecunde de die aut de nocte in plateis Rectori decano aut regentibus dicti collegii palam occurrat, aut ludat quovis etiam ludo alias licito in presentiis eorundem regentium nisi de ipsorum facultate, sed statim postquam notatus fuerit se subtrahat et fugiat quantum commode poterit, nec alias inveniatur extra collegium in plateis vagando sine facultate preceptorum sub pena acrioris punitionis eiusdem delinquentis caligis ad hoc laxatis publice coram reliquis studentibus in exemplum aliorum transgredientium' (*Ib.*) The Statute seems to insist on a boy who met a Regent in the streets showing his respect for authority by running away or 'shirking,' as Eton boys were required to do when they met a Master in Windsor till a generation ago. The notion that this was because Windsor was out of bounds may, therefore, be a case of false analogy. The custom of 'shirking' is very ancient, being prescribed to the *clericuli* when they met a Canon by the Statutes of the Church of Lyons in the twelfth century. If they could not run away, they were to pretend they were not there by holding their hands in front of their faces. Migne, T. 199, f. 1104.

[2] 'Nemo ludat reticulari pila, aut sphæristerium ullo modo ingrediatur' (*Munimenta*, II. p 48).

[3] 'Quia triste et luctuosum exemplum vidit Academia in iis qui in aquis innatarent, ideo vetat prohibetque ne quis in album Academiæ adscriptus aquas ingrediatur aut in iis natet. Quod si quis secus faxit castigatum multis flagris Academia ejiciendum censet. Quia decet hoc pietatis seminarium nemo usquam ἀτακτως vivito' (*Munimenta*, II. p. 50).

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Confusion of College and University.

in the Faculty of Arts and of the Faculty of Arts in the College or Pædagogy demand a moment's notice. The Rectorship has through many vicissitudes survived down to our own day: but the Rector was an outsider—a neighbour-Laird or a neighbouring Minister—and took no part in the ordinary administration of academical affairs[1]. For practical purposes the University was governed by 'the Faculty.' When Professors in the superior Faculties were grafted on to the nucleus supplied by the Faculty of Arts, they took their places as members of the only governing body which the University possessed, and which was still called *the* 'Faculty,' though eventually the name 'Senatus Academicus' superseded the older style. At first the Faculty was presided over by the Dean of the Faculty of Arts, who, in the virtual absence of the superior Faculties, was known as the 'Dean of Faculty.' The Head of the College—originally known as the Principal Regent, afterwards as the Principal—was, however, practically the most important person in the University after the Dean; and gradually succeeded in pushing that official entirely into the shade and usurping the presidency of the Faculty. The functions of the Dean were henceforth limited to certain ceremonial duties in connexion with the conferment of degrees, and the Principal came to be known as the 'Principal of the University.' Much the same constitutional changes have taken place in the other Scotch Universities. Only at S. Andrews does the existence of two Colleges remind Scotchmen that there was ever a difference between a College and a University: and even there the Principal of the senior College is the resident Head of the University —a position still further emphasized by the union of the office with that of Vice-Chancellor[2].

[1] At S. Andrews the Rectorship circulated among the Professors. Cf. above, p. 298, n. 6.

[2] The Principals were originally appointed by the Bishop Chancellors, afterwards by the Crown. The Regents were long appointed by 'the Faculty' after a competitive disputation. The absolute supremacy of the Professorial staff in the Scotch Universities has been modified by the appointment of a partially external 'University Court' presided over by the Rector.

§ 3. ABERDEEN (1494).

Report of Commissioners for visiting the Universities of Scotland, 1831, and *Evidence*, vol. IV, 1837, with *App. of Documents*. *Fasti Aberdonenses*, ed. C. INNES, Aberdeen (Spalding Club), 1854. C. INNES, *Sketches of Early Scotch History*, Edinburgh, 1861, p. 254 *sq.* Cf. KENNEDY, *Annals of Aberdeen*, London, 1818, II. p. 357 *sq.*

Foundation, 1494.

Aberdeen, like the two other medieval Scotch Universities, was founded by a Bishop. William Elphinston, Bishop of Aberdeen, was personally a more remarkable man than the two earlier University-founders. He is said to have studied Arts and Canon Law at Glasgow, Canon Law at Paris, and Civil Law at Orleans [1]. Sir Alexander Grant [2] suggests that he may have been the original inspirer of the Scotch Act of 1496 which required all barons and freeholders to have their eldest sons instructed in 'Arts and Jure.' At all events it is clear that, even more certainly than the founders of S. Andrews and Glasgow, Elphinston aimed at making his University a School of Law. It was especially intended to be a means of promoting the civilization of the highland clergy, of whose extreme ignorance an appalling picture is drawn in the petition of King James IV recited in the Bull of foundation. This Bull was granted by Alexander VI in 1494 [3], but not published till February, $149\frac{9}{7}$ [4]. The Royal Charter of the same year incorporates certain benefices, and confers a scanty endowment for the support of a Doctor of Medicine [5]. The decayed Hospital of S. German's was also made over to the University [6]; and from the first it was part of the Founder's plan to endow the University by the erection of a College, which was actually established in 1505 with the title of the College of the Holy Virgin in Nativity—now King's College—which provided teachers in all the Faculties [7]. The College was

The King's College.

[1] *Fasti*, p. xi *sq.*

[2] *Story of Edinburgh*, I. p. 27. The Act is printed in *Miscellany of the Maitland Club*, 1840, p. 5.

[3] *Fasti*, p. 6.

[4] *Ib.* p. 7.

[5] *Ib.* p. 11.

[6] *Ib.* pp. 9, 17, 18 *sq.*

[7] See Hector Boece's Life of Elphinston, ap. *Aberdonensium Episcoporum Vitæ*, 1552, f. xxvii *sq.*: cf. *Fasti*, pp. xvii, 53 *sq.*

CHAP. XI, § 3. endowed with impropriations; and the resemblance to the German Colleges is increased by the annexation to the College of a Church, of which the Masters became Prebendaries and the 'bursars' choristers or clerks[1]. The University does not appear to have entered upon actual existence till the year 1500, when the teaching of Hector Boece, whom Elphinstone had brought from the College of Montaigu at Paris and eventually made Principal of his new College, soon placed Aberdeen at the head of the Scotch Universities—a position which it retained for at least forty years. A comparison of the early history of those Universities which started with sufficient endowments with the fate of those attempts at University-founding which were not thus supported supplies ample illustration of the absolute necessity—at ordinary times and under ordinary circumstances—of endowment or some other extraneous support for the maintenance of higher education. To this day Aberdeen is kept alive and flourishing, in spite of the competition of the great city Universities of Edinburgh and Glasgow, by the number and wealth of its bursaries.

Constitution. The constitution of Aberdeen was on the same lines as that of the two earlier Scotch Universities, but the influence of Orleans is plainly discernible in the constitution of its governing body. At Orleans it will be remembered that power was shared between the Professors and certain representatives of the students. So at Aberdeen the power of making Statutes is entrusted to the Chancellor, Rector, and resident Doctors, 'calling unto them' a competent number of Licentiates and scholars, and—a quite original feature—at least two Privy Councillors of Scotland[2]. This state of things does not appear, however, to have lasted long: real power here, as elsewhere, passed

[1] *Fasti*, p. 53 *sq.* A remarkable provision of this Charter is that 'nulle in quacumque facultate per annum integrum fiant vacantie' (p. 58). The wishes of the 'pious founder' do not seem to have had much influence on the length of Scotch Vacations.

[2] *Fasti*, p. 5.

to the Principal and Professors or Regents who, together with the Rector, formed the Senatus Academicus[1]. CHAP. XI.

Subsequent development of the Scotch Universities.

A word must be said as to the educational organization of the Scotch Universities and the process by which it has become so widely differentiated from that of the English Universities. The future of the Scotch University was largely determined for it by the fact that its teachers from the first, or almost from the first, were College teachers and University teachers at the same time. Here, according to the North-German precedent, College and University were more or less completely fused into one. At Paris and Oxford the College teaching, which gradually supplanted the University teaching, was never modelled on the lines of the old University system at all. In particular, the Oxford Tutorial system, by ultimately making every Tutor responsible for the whole education of his pupils, tended to narrow the range as well as to lower the efficiency of the College teaching, while the University teaching practically disappeared, and the University degree system, having no organic relation to the real studies of the Colleges, degenerated into a farce. The consequence was that lecturing—in anything like the sense which the word bears in ordinary usage—almost died out. Education was reduced to lessons in Logic and catechetical instruction on classical books. In the Scotch Universities the instruction of the Colleges always bore a direct relation to the subjects of the degree examination.

Survival of the Medieval Curriculum.

In Scotland the old medieval Trivium and Quadrivium and the old medieval 'Three Philosophies' (Natural, Moral, and Metaphysical), have continued, almost down to the present moment, with a somewhat meagre infusion of the Renaissance Greek, to supply the outline of the University curriculum through all changes in the subject-matter

[1] The Nations and Proctorships appear to have at one time existed. *Documents*, pp. 167, 169.

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actually taught in each department. At first the subjects were divided at the beginning of the academical year, in the way usual at the German Universities, among the Regent Masters, i.e. practically the paid Regents of the Colleges[1]. Very early in the history of the Scotch Universities a system —of which there is no distinct trace in the history of any other University—established itself, by which one Regent took the entire instruction of a class, consisting of the men of a single year, through the whole of their four years' curriculum. The subjects of each year thus 'rotated' among the Regents[2]. Only very gradually, as the standard of efficiency demanded of the teacher rose and the area covered by each subject expanded, was the system of 'rotation' abandoned in favour of the 'fixation' of each Regent to a particular subject[3]. The system of 'rotation' has only quite recently disappeared from the leading 'High-schools' of Scotland. This revolution in the Universities was not completed till after the middle of the eighteenth century[4].

[1] The Glasgow Statute-book retains the oath to lecture for two years unless dispensed, but this was practically no doubt insisted upon only in the case of the College Regents. See *Documents*, p. 287.

[2] The origin of this system is very obscure. The Glasgow Statute provides that the Regents shall choose their books in order of seniority, according to the German system. *Documents*, p. 285. But the system grew up in the Middle Ages; the Reformers indeed wisely attempted to abolish it. See Grant, I. p. 146 *sq.*, and the *Documents*, *passim*.

[3] The first step, about the beginning of the eighteenth century, was to assign Greek to a separate Professor.

[4] This was a great Reform-era in the Scotch Universities, especially at Aberdeen. The spirit of the movement may be illustrated by the following resolutions of Marischal College:—

'That the students may have the benefit of those parts of Education which are not commonly reckoned Academical, such as dancing, writing, book-keeping, French, &c., without losing time in attending Masters at a distance from the College, the Sub-Principal and Regents shall appoint proper rooms in the College, and proper hours when these things may be taught, and shall bespeak Masters of the best characters and qualifications for instructing those who choose to attend them' (*Documents*, p. 176).

'The Professors of Philosophy, with the concurrence of the other Masters, have unanimously agreed to employ much less time than has been usually done in the Universities, in the Logic and Metaphysick of the Schoolmen, which seem contrived to make men subtle disputants

Still more recently and still more gradually has the title of Professor, formerly appropriated only to the single teachers of each of the superior Faculties, supplanted the old medieval Regent or Master[1].

The Scotch Philosophy.

The consequences of this retention of the old medieval curriculum in the Scotch Universities, and the subsequent evolution of distinct chairs of Philosophy out of it, have been of the utmost importance, not only in the history of Scotch Education, but in the history of British and even of European thought. Scotland gained from it an education at once stimulating and practical, however grave its deficiencies on the score of sound preparation and classical discipline: while to the seemingly accidental circumstance that the Scotch Universities provided Philosophers, not merely with chairs but with classes to teach, Europe probably owes in no small measure the development of an important and influential School of Philosophy. Between the time of Hutcheson and that of J. S. Mill a majority of the Philosophers who wrote in the English language were Professors, or at least *alumni*, of Scotch Universities.

Disappearance of the College System.

The reader of the preceding chapters will have remarked how closely parallel this transformation of the old Regent-system into the modern Professorial system has been to a similar development in the German Universities. In both cases the germ of the evolution was contained in the original constitution of the University. The gradual disappearance of the old College life which has taken place in both the Scotch and the German Universities is perhaps to be similarly accounted for. The characteristic feature of both systems in their medieval form was the close fusion

—a profession justly of less value in the present age than it has been in some preceding ones; and to employ themselves chiefly in teaching those parts of Philosophy which may qualify men for the more useful and important offices of society' (*Ib.* p. 177).

Every line of these resolutions breathes the spirit of Locke's *Treatise on Education*, and of that Scotch 'Common-sense' Philosophy whose best representative (Reid) was one of the Regents who voted for these changes.

[1] The Answers to the Commission of 1830 speak of the change as made 'of late years.'

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of the College with the University system. At Paris and Oxford the College life lasted on because it was inseparably bound up with the only educational system which the University possessed. In Germany and Scotland the Colleges were created primarily to supply the Universities with teachers; the common life could disappear without destroying the *raison d'être* of the College-foundations. Another influencing circumstance has been no doubt the different attitudes of the Universities towards the marriage of the teaching body. At the revolutionary Reformation of Scotland and Germany it was assumed as a matter of course that the compulsory celibacy of Regent Masters disappeared with the celibacy of the clergy; and it is not long before we find difficulties arising about the maintenance of discipline in the Colleges [1]. In England, where the breach with the past was less violent, and where the College Fellowship was still looked upon mainly in the light of an endowment for students to which educational functions were only accidentally annexed, the abolition of celibacy appears never to have suggested itself even to Puritan reformers. And the preservation of the common life for graduate-fellows has tended to its preservation for undergraduate students.

Boy-students and Student-elections.

It is not only in its curriculum—in the wide range and the regular succession of subjects prescribed to its students—that the Scotch University preserves to this day the impress of the Middle Ages. Here alone perhaps in Europe were the bulk of the students in the Arts Faculty,

[1] But it was a long time before the Scotch mind reconciled itself to the anomaly of women in College. Thus at Morton's visitation of S. Andrews in 1574, it was ordered 'that the wyffis, bairnis, and servandis of the Principallis and utheris Maisteris in the Universitie be put apart in the cietie out of the Collegis, sua yat wemen, to a slanderus and evill exempill, haif not residence amangis the zoung men studentis, nor zit that the same wemen have ony administratioun and handilling of the common guidis of the College, to ye greit prejudice yairof, and of sic as frelie wald gif thame selffis to the study of Lettres' (*Documents*, p. 189). At a later date the difficulty seems to have been met by requiring the Regent on duty for the week or *Hebdomadarius*, also to sleep in College. As to Marriage in German Universities, see above, pp. 240, 255, n. 5.

till very recently, boys of about the same age as the Artists of medieval Paris or Oxford. The average age is still below that of most Universities. Here alone does the ancient Chancellorship—no longer held by a Bishop—survive side by side with the Rectorship. Above all, here alone do the students—students still at Glasgow and Aberdeen divided into Nations under the government of Proctors—elect the head of a University. These Scotch Rectorial elections, now used as the means of paying a triennial homage to some distinguished public man, reproduce perhaps more both of the outward mechanism and of the ancient spirit of medieval student-life than any feature of the more venerable, but also in some respects far more altered, constitutions of Oxford and Cambridge.

THE END OF VOL. II.

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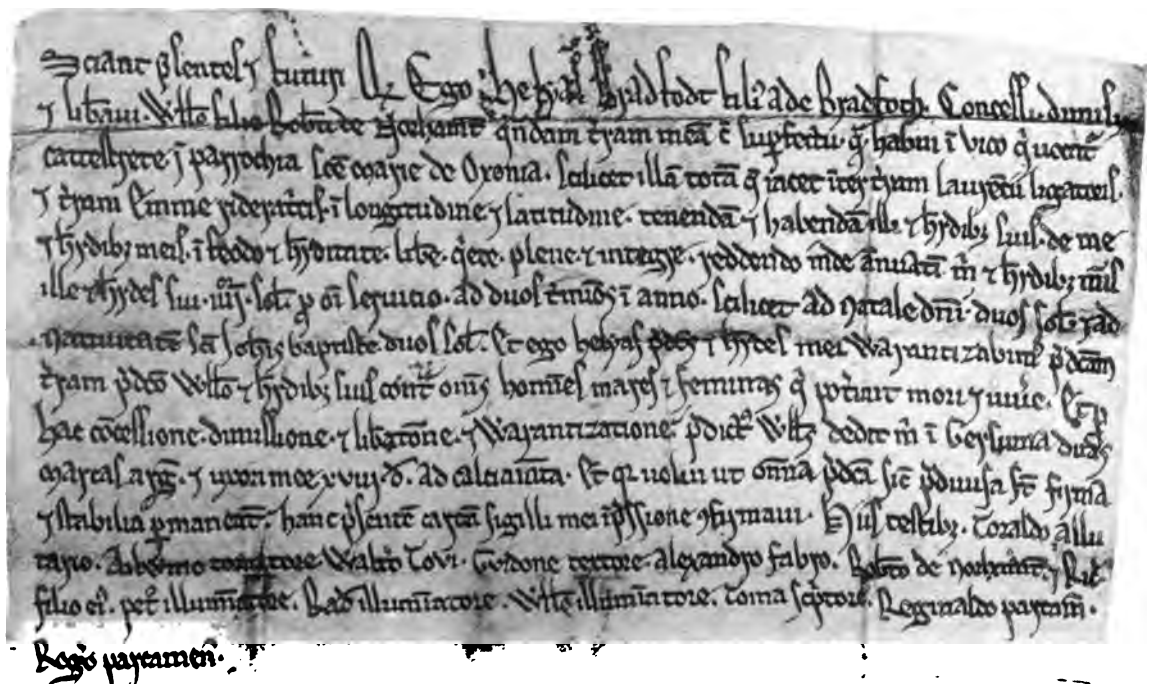

Sciant presentes et futuri. Quod ego Hehyas Bradfodt filius Ade Bradfoth concessi dimisi
et liberavi Willelmo filio Roberti de Norhamtone quandam terram meam cum superfectu quam habui in vico qui vocatur
Cattestrete in parrochia sancte Marie de Oxonia. scilicet illam totam que iacet inter terram Laurentii ligatoris
et terram Emme ridera tritis in longitudine et latitudine. tenendam et habendam ille et heredibus suis de me
et heredibus meis in feodo et hereditate libere quiete plene et integre. reddendo inde annuatim mihi et heredibus meis
ille et heredes sui iiij. sol. pro omni servicio ad duos terminos in anno. scilicet ad Natale domini duos sol. et ad
Nativitatem sancti Johannis baptiste duos sol. Et ego Hehyas predictus et heredes mei Warantizabimus predictam
terram predicto Willelmo et heredibus suis contra omnes homines mares et feminas qui poterunt mori et vivere. Et pro
hac concessione dimissione et liberatione et Warantizatione predictus Willelmus dedit mihi in Gersuma duas
marcas argenti et uxori mee xviij d. ad calciamenta. Et quia volui ut omnia predicta sicut predivisa sunt firma
et stabilia permaneant. hanc presentem cartam sigilli mei impressione confirmavi. Huius testibus. Toraldo allu
tario. Alberto tornatore. Walter Tovi. Guidone textore. Alexandro fabro. Roberto de Norhamtone et Ric
filio eius. Petro illuminatore. Radulfo illuminatore. Willelmo illuminatore. Toma scriptore. Reginaldo parcamen.

Rogero parcamen.

CONVEYANCE OF LAND IN CAT-STREET, OXFORD (? 1170–1180 A.D.)

THE

UNIVERSITIES OF EUROPE

IN THE

MIDDLE AGES

BY

HASTINGS RASHDALL, M.A.
FELLOW AND TUTOR OF NEW COLLEGE, OXFORD
LATE FELLOW OF HERTFORD COLLEGE

IN TWO VOLUMES

VOL. II, PART II

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CHAPTER XII.

THE ENGLISH UNIVERSITIES.

CHAPTER XII.

THE ENGLISH UNIVERSITIES.

§ 1. THE ORIGIN OF THE SCHOOLS AND UNIVERSITY OF OXFORD.

THE first investigations into the history of the University were prompted by the dispute for antiquity and precedence with Cambridge in the sixteenth century, beginning with the *Assertio Antiquitatis Oxoniensis Academiæ* [by THOMAS KAY or CAIUS], printed with Joh. Caius *De Antiq. Acad. Cantab.*, Londini, 1568 and 1574: also edited as *Vindiciæ Antiquitatis Acad. Oxon.* by Hearne, Oxon., 1730. But the first work that can be called a history is BRYAN TWYNE, *Antiquitatis Academiæ Oxoniensis Apologia*, Oxoniæ, 1608. Twyne's view of the antiquity of Oxford was as superstitious as that of Caius: but his Apology represents an immense amount of laborious research, while his twenty-four vols. of MS. collections formed the basis of all later work, a debt very inadequately acknowledged by his better known successor, Wood. [LANGBAINE], *The Foundation of the Universitie of Oxford* (London, 1651), contains nothing but a short account of the Colleges. The classical historian of Oxford is ANTONY WOOD, whose immortal work appeared in a mutilated Latin translation as *Historia et Antiquitates Universitatis Oxoniensis*, Oxoniæ, 1674. *The History and Antiquities of the University of Oxford*, in its original dress of racy English (though not the actual work from which the Latin version was made) was only published by GUTCH at Oxford in 1792–6. (References to Wood are always to this edition, where no work is specified.) Wood also wrote *The History and Antiquities of the Colleges and Halls in the University of Oxford*, ed. Gutch, Oxford, 1786. His *Fasti Oxonienses* was published as an Appendix to the last-mentioned work in 1790. (Another collection of *Fasti* is appended to the *Athenæ*.) Wood's *Survey of the Antiquities of the City of Oxford* (written 1661–6) appeared in a much mutilated form as Sir JOHN PESHALL's *Ancient and Present State of the City of Oxford*, London, 1773. The original MS. has now been edited in a most scholarly fashion by ANDREW CLARK (Oxford, Hist. Soc. 1889-90). The *Athenæ Oxonienses*, consisting of biographies of Oxford 'Writers and Bishops' (London, 1691, 1721, and ed. Bliss, 1813–20), only begins with the year 1500. Wood's successor as chief antiquary of Oxford was THOMAS HEARNE, whose rather trifling contributions to the medieval history of Oxford are scattered through his various works and editions, e. g. *Roberti de Avesbury Historia*, Oxonii, 1720, App. i. (where the 'Bedel's Book' is printed); Leland's *Itinerary*, vol. II. (chiefly on the

CHAP. XII, § 1. Monasteries) Oxford, 1710-2, &c. There is a complete list of Hearne's writings in *The Life of Mr. Thomas Hearne*, Oxford, 1772. AYLIFFE, *The Antient and Present State of the University of Oxford* (London, 1714), is a readable abridgment of Wood continued to the writer's own times, with some documents. The only really valuable work done upon our history from the time of Wood down to the present decade was that of WILLIAM SMITH, by far the acutest and most critical of our Oxford antiquaries, who, in his *Annals of University College* (Newcastle-on-Tyne, 1728), was the first to dissect and expose the whole tissue of lies about Mempric, Alfred the Great, &c., which have, however, hardly yet disappeared from serious histories. Of PESHALL'S [Anon.] *History of the University of Oxford to the death of William the Conqueror* (Oxford, 1772) the title is a sufficient criticism; his *History of the University of Oxford from the death of William the Conqueror* (Oxford, 1773) is a dry compilation from Wood, with a few documents *in extenso*. The *History of the University of Oxford* (printed for R. Ackermann, London, 1814), though in folio form, is little more than an illustrated guide-book. *Oxoniana* (printed for Richard Phillips, London: no date, but about 1810) is a collection of gossipping extracts relating to the University. CHALMERS, *History of the Colleges, Halls, and Public Buildings attached to the University of Oxford* (Oxford, 1810), and INGRAM, *Memorials of Oxford* (Oxford, 1837), deal almost entirely with the Colleges and buildings. SKELTON'S illustrated *Oxonia Antiqua Restaurata* (Oxford, 1823: 2nd ed. London, 1843) enables the reader to see what old Oxford was like. His *Pietas Oxoniensis or Records of Oxford Founders* (Oxford, 1828) is of less value. HUBER, *Die Englischen Universitäten*, Cassel, 1839 (abridged Eng. Trans. ed. Francis W. Newman, London, 1843), is one of the most worthless University histories which it has been my lot to peruse: it may be described as a history written without materials. The English translation contains, however, as an Appendix, THOMAS WRIGHT'S valuable *Historical Doubts on the Biography of Alfred attributed to Bishop Asser*, &c. Cardinal NEWMAN contributed a popular sketch of *Medieval Oxford* to the *British Critic* for 1838 (also in *Historical Sketches*, London, 1872). The same writer also deals with the history of Oxford in an article on *The Rise and Progress of Universities*, originally published in the *Catholic University Gazette*, 1854: but these charming bits of writing have no great value as history. JEAFFRESON, *Annals of Oxford* (London, 1871), is a lively *réchauffé* of the old materials, not without flashes of historical insight, but can hardly rank as serious history. JAMES PARKER, in *The Early History of Oxford* (Oxford Hist. Soc. 1885), has dealt very thoroughly with the early history of the town and the growth of the Oxford myth. MAXWELL LYTE, *History of the University of Oxford* (London, 1886), is the first critical history of the University, and is generally accurate: I am especially indebted to Mr. Lyte's references. BRODRICK, *History of the University of Oxford* (London, 1886), is a condensed sketch of Oxford history, which becomes increasingly valuable after the medieval period. HULTON, *Rixæ Oxonienses* (Oxford, 1892) is a lively popular sketch.

COX (late Esquire Bedel), *Recollections of Oxford* (ed. 2. Oxford, 1870), is full of interesting notices of old customs. LITTLE, *The Grey Friars in Oxford* (Oxford Hist. Soc. 1892), is a most learned and painstaking piece of work. There is an earlier and very slight, but still useful, study on *The Blackfriars*

in Oxford, by DIMOCK FLETCHER (Oxford, 1882). MACRAY'S learned *Annals of the Bodleian* (Oxford, 1868: ed. 2. 1890) has only a few pages relating to our period. BOASE'S delightful volume on Oxford in *Historic Towns* (London, 1887) must not be passed over, nor ANDREW LANG'S brilliant sketch entitled *Oxford: brief historical and descriptive notes* (London, 1890). *The Colleges of Oxford: their history and traditions, xxi chapters by members of the Colleges* (ed. A. CLARK, London, 1892), contains more original research on the history of Oxford than any book that has appeared in the present century. There are some fragments of University history in *A History of the Church of S. Mary the Virgin, Oxford*, 'by the present Vicar' [FOULKES], London, 1892. The few pages devoted to a comparison between Oxford and Paris in Mr. GLADSTONE'S eloquent and characteristic *Academic Sketch* (Romanes Lecture: Oxford, 1892) are full of interest.

Prof. T. E. HOLLAND has an article on *The Origin of the University of Oxford* in the *Eng. Hist. Review* of 1891, which summarizes the ascertained facts, and there are some suggestive remarks in his article on *The Ancient Organisation of the University of Oxford* in *Macmillan's Magazine* for July, 1877. I have already explained my view of the origin of the University in the *Church Quarterly Review* for 1887 and in the *Academy*, No. 839, in a letter which was followed by a controversy between Prof. Holland and myself in Nos. 847, 848, 849, 850, 890.

A *Registrum Privilegiorum almæ Universitatis Oxoniensis*, containing the Charters of Edward IV and Henry VIII, was printed at Oxford in 1770. But the early Statutes remained unpublished till 1868, when they were edited (not well) by ANSTEY in *Munimenta Academica* (Rolls Series), with an interesting Introduction. [This collection represents the following MSS.—the Chancellor's Book known as A, the Proctors' Books B, C, D, the Register of Convocation Aa, and that of the Chancellor's Court, Aaa.] *The Register of the University of Oxford* (1449–1463: 1505–1622) has been edited by BOASE (vol. I. 1885) and CLARK (vol. II. 1887–1889: Oxford Hist. Soc.), a most laborious and important piece of work. A few—too few—medieval documents are printed in *Collectanea* (Oxford Hist. Soc., Ser. 1, ed. FLETCHER, 1885; Ser. 2, ed. BURROWS, 1890). The *Laudian Code of Statutes* (first printed at Oxford in 1634 before its final revision), by which with little modification the University was governed down to 1851, has been re-edited by GRIFFITHS (with Introduction by SHADWELL), Oxford, 1888. *The Statutes of the Colleges of Oxford* were printed 'by the desire of the Commissioners' of 1851 (London, 1853). GRIFFITHS, *Enactments in Parliament relating to the University of Oxford* (Oxford, 1869), is very incomplete for the early period. Some documents relating to the University appear in THOROLD ROGERS, *Oxford City Documents* (Oxford Hist. Soc. 1891) and OGLE, *Royal Letters addressed to Oxford, and now existing in the City Archives* (Oxford, 1892). There is a *Rough List of Manuscript Materials relating to the History of Oxford contained in the printed catalogues of the Bodleian and College Libraries* (Oxford, 1887) by F. MADAN, who has also catalogued the *Oxford City Documents* (1887: not published). I may also refer to the very valuable Catalogue of MS. Authorities used by Wood, which Mr. Clark has added to the last vol. of his edition of *Wood's Life and Times*.

My greatest obligations are after all to the invaluable collections of Bryan Twyne (cited as Twyne), with the two earlier MS. collections of ROBERT

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HARE, known as the *Privilegia* and the *Memorabilia*. Of the first there are two copies, one in the Bodleian (Bodley, No. 906), the other in the Archives of the University. I have used the Bodleian copy. The *Memorabilia* is in the Archives. I have also consulted the Smith MSS. in the Library of the Society of Antiquities. All references to documents in Twyne and Hare have been verified and corrected by the originals (except where these are lost), but I have thought it convenient to add the references to their collections, except of course when the documents have been printed.

The Alfredian Legend.

THE connexion of the University of Paris with the Palatine Schools of Charles the Great rests only upon a series of arbitrary assumptions. The theory which traces the origin of Oxford to Alfred the Great aspires to a foundation in contemporary evidence. The Oxford myth was long accepted on the authority of a passage in the Annals of Asser, Bishop of S. David's. This passage is found neither in any extant MS. nor in the earliest printed editions, but made its first appearance in Camden's *Britannia* in 1600 A.D.; whence, three years afterwards, it was transferred to his edition of Asser. The spuriousness of the passage, which is, indeed, sufficiently betrayed by its affected classicality of style, was demonstrated as long ago as 1843 in a dissertation appended to the English translation of Huber's *English Universities*[1]. The myth has recently

[1] In the preceding year Mr. Thomas Wright (*Archæologia*, vol. XXIX. p. 192) had called attention to the legendary character of the whole life: but the first modern historian who pointed out the probability of an insertion appears to have been Lappenberg in his *Gesch. von England*, Hamburg, 1834, I. p. 339 *sq.*

The passage begins thus:

'Eodem anno [DCCCLXXXVI] exorta est pessima ac teterrima Oxoniæ discordia, inter Grymboldum doctissimosque illos viros, quos secum adduxit, et veteres illos scholasticos quos ibidem invenisset; qui eius adventu leges, modos, ac prælegendi formulas ab eodem Grymboldo institutas omni ex parte amplecti recusabant. Per tres annos haud magna fuerat inter eos dissensio, occultum tamen fuit odium, quod summa cum atrocitate postea erupit, ipsa erat luce clarius: quod ut sedaret, rex ille invictissimus Ælfredus, de dissidio eo nuntio et querimonia Grymboldi certior factus, Oxoniam se contulit.' *Anglica, Normannica, Hibernica, Cambrica, a Veteribus scripta*, Frankfurti, 1603, p. 16: *Britannia*, Londini, 1600, p. 331.

In Savile's ed. of Ingulf (*Rerum Anglicarum Scriptores post Bedam*: Londini, 1596, fol. 513 *b*) there is a somewhat similar interpolation, making the writer study at Oxford in the twelfth century, as also at Westminster. Camden was Head Master of Westminster School.

received its *coup de grâce* at the hands of Mr. James Parker[1]. As the result of that writer's laborious investigation into the matter, Sir Henry Savile, of Bank[2], is left under a grave suspicion of having perpetrated the patriotic fraud and the illustrious Camden of having not quite innocently inserted it in his edition[3]. When the supposed authority of Asser is put out of court, the Alfredian legend, even in its simplest and least elaborate form, cannot be traced further back than the *Polychronicon* of Ralph Higden, who died in 1363[4]. In fact, the whole story, with the vast cycle of legend of which it is the nucleus—the foundation by King Mempric, a contemporary of David, the Greek Professors who came over with Brute the Trojan after the fall of Troy, and were established at Greeklade, or Cricklade, in Wiltshire, and the subsequent removal of the University to Oxford—may now be abandoned to students of comparative Mythology and of the Pathology of the human mind.

Early History of the City.

The pains which have been expended in tracking to its origin every single thread in the elaborate web of fiction which is solemnly presented in the guise of history by Bryan Twyne, and with more reserve by Anthony Wood, can hardly be regretted on account of the light which Mr. Parker's researches have thrown upon the early history of the town. It is practically certain that the growth of a town, or indeed of any considerable settlement, on the site of the existing City is certainly posterior, and in all probability much posterior, to the Roman period. The story of S. Frideswyde supplies the earliest evidence which can even pretend to be called historical of the existence of Oxford. That story is subjected by Mr. Parker

[1] *The Early History of Oxford* (Oxf. Hist. Soc. 1885).

[2] To be distinguished from the better known Sir Henry Savile of Eton, the editor of Chrysostom.

[3] See Parker, p. 40 *sq.*

[4] Vol. VI. (ed. Babington, p. 354). The *Historiola* incorporated in the Oxford Chancellor's and Proctors' books (*Mun. Acad.* p. 367) is probably of about the same date. The Mempric story appears for the first time in the *Historia Regum Angliæ* of John Rous or Rosse, the Chantry-priest of Warwick, whose history (if such it is to be called) ends with 1486 A.D. (ed. Hearne, Oxonii, 1716, p. 20 *sq.*).

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Its advantages as a University town.

Little more is heard of Oxford till the eleventh century, when it becomes a frequent place of meeting for the National Gemot as well as for ecclesiastical Councils. We are not, however, writing the history of the town, but of its University. Yet the fact just mentioned may serve in some measure to answer what is in many respects a perplexing question. Why should Oxford of all places have become the earliest and greatest national University? Ecclesiastically it was a place of very minor importance, and no historical prestige. It was not the see of a Bishopric. Its earliest ecclesiastical foundation—the House which, first as a nunnery, then as a College of secular Canons, lastly as a Monastery of regular Canons, occupied what is now known as Christ Church—was a poor and insignificant foundation, when compared with such Abbeys as Abingdon or

[1] Parker, pp. 116, 324.

Glastonbury. The Collegiate Church of S. George-within-the-Castle, built by the Conqueror's Norman Castellan Robert d'Oilgi in 1074[1], was a mere Chapel. Even the statelier Oseney was a House of the second rank, and was not founded till 1129, Rewley not till after the rise of the University. The foundation-bulls for erecting new Universities commonly recite in their preambles that the place in question is adapted, by reason of the amenity and salubrity of the air and the cheapness and abundance of victuals, for the use of students. Medieval writers exhaust the resources of their vocabulary in praise of the climate of Paris. Oxford, then almost as completely water-girt as Cambridge, could never have offered many attractions of that kind. The other recommendation, cheapness and abundance of victuals, it may well have possessed. Another essential qualification for a University town often insisted upon in foundation-bulls is facility of access. Oxford was marked out as a convenient meeting-place, alike for the magnates attending a Council or Parliament and for the assemblage of teachers and students from all parts of England, by its central position. It was situated on the border between Wessex and Mercia—the two great divisions of the southern and then most important and civilized half of the kingdom. It was not inaccessible from London, not too distant from the continent, and yet as conveniently situated as any southern town could be for students from the far North and the far West. Not least important, it was on the great water-way of the Thames. The strategic value which resulted from such a position led in the Conqueror's time to the building of the existing Castle[2] tower, which is still the first object that attracts the visitor's attention upon arriving at Oxford by the railway, and later to the construction of those venerable city-walls which still impart so unique a charm to the most delightful of College gardens. To its position, too, must be ascribed the rapid increase in the

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[1] *Annales Monastici*, ed. Luard, IV. p 9 (Oseney); Parker, p. 206 *sq.*

[2] In 1071. *Ann. Mon.* IV. p. 9. Mr. Parker (p. 203) thinks that the tower was the chief addition now made to the earlier Castle.

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commercial importance of Oxford after the final cessation of Danish devastations, and especially after the beginning of the twelfth century, when one of the earliest Jewries was established within its walls[1]. In short, Oxford must be content to accept its academic position as an accident of its commercial importance, not as the offspring of the often exaggerated importance and splendour of its Churches and its Monasteries.

Of course it would be absurd to attempt a demonstration *a priori* that the first and most important English University could have arisen nowhere but at Oxford. But when it is remembered that a central position was a great *desideratum*, that only one of the largest towns in the kingdom would be equal to the housing and feeding of many hundreds or thousands of strangers, and that a Royal vill would be preferred for security and protection alike against hostile townsfolk and oppressive ecclesiastical authorities, it will be evident that hardly one other town could be named which satisfied in equal perfection the requirements of the case.

The University not a development of monastic Schools.

There has been something like a consensus among English writers before Mr. Lyte[2] in connecting the origin of the Oxford Schools with some one or other of the conventual Churches of Oxford—with the Priory of S. Frideswyde's, with Oseney Abbey, or with the Church of the

[1] As to the whole history of the Jews in Oxford, see Dr. Neubauer's essay in *Collectanea*, II. p. 277 *sq.* He has finally disposed of the theory which connects the origin of the University with the Jews—a view to which J. R. Green appears disposed to lean in his delightful sketch of the early history of the town, *Stray Studies*, London, 1876, p. 329.

[2] Mullinger, *Cambridge*, I. p. 80; Anstey, *Mun. Acad.* p. xxxv; Broderick, *Hist. of Oxford*, p. 3; Laurie, *Rise and early constitution of Universities*, p. 236. Mr. Lyte (p. 12) sees that the nature of the Chancellorship is fatal to a direct continuity between any monastic School and the University, but (p. 9) still seems to attach too much importance to these earlier and purely hypothetical monastic Schools. Prof. Laurie positively tells us that 'before the time of Alfred there were Schools in connection with the Priory of S. Frideswyde's.' If S. Frideswyde's existed before Alfred, it was a Nunnery. It is contrary to all analogy to suppose that a University grew out of a Monastery of Monks, to say nothing of a Nunnery.

Canons Regular of S. George's-in-the-Castle. But, amid all the obscurity which hangs over the origin of the University, one thing may be taken as absolutely certain—that the Schools in connexion with which the University grew up were never at any time dependent upon any capitular or monastic body in Oxford. Had they been so, the Masters and scholars would have been under the jurisdiction of some officer of that body, as the Masters of Paris were under the authority of the Chancellor of Notre Dame. The situation of the Schools sufficiently testifies to the improbability of the hypothesis. The Schools were from the first established in the neighbourhood of S. Mary's, and not in the neighbourhood of S. Frideswyde's[1]. S. Mary's was, of course, only a Parish Church, which was borrowed for the University Congregations. As soon as the constitution of the University becomes known to us, the Masters and scholars are under the authority of the Chancellor of Oxford, an official elected by the Masters, but deriving his authority from the Bishop of Lincoln, and in no way connected with any monastic or collegiate Church in Oxford. Had the Schools at one time been connected with S. Frideswyde's or Oseney, they could only have emancipated themselves from the jurisdiction of the Prior or Abbot by a tremendous struggle, which could not have passed into utter oblivion without leaving a trace or a vestige of itself behind[2].

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[1] The suggestion of Dr. Hatch (*The Growth of Church Institutions*, London, 1887, p. 172) that the Chancellor of Oxford may have originally been Chancellor of S. Frideswyde's is open to this objection. The first allusion to the Chancellorship (see below, p. 351) is of a kind which positively precludes such an explanation of the office. Small conventual Houses, in fact, did not usually possess Chancellors. Dr. Hatch seems also to imply that the same officer was commonly styled 'Cancellarius' or 'Scholasticus.' Though the duties of the two officers were nearly identical, I have never found the titles used interchangeably. Besides, how could a monastic official have gradually got loosened from his Monastery, passed into a secular official, and into immediate dependence upon the Bishop?

[2] The sole connexion between the University and S. Frideswyde's lay in the fact that the University Chest was lodged for safe custody at S. Frideswyde's. Had the Masters recently emancipated themselves from the jurisdiction of the Priory,

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Its origin must be sought *ab extra*.

These considerations are amply sufficient to establish a probability, which in the minds of those who have followed the preceding account of the origin of other Universities will perhaps amount to a kind of intuitive certainty, that the origin of the Oxford School must be sought *ab extra*. In Northern Europe the Universities which originated by spontaneous development are always found in connexion with a Cathedral or great Collegiate Church, never in connexion with a Monastery: and Oxford possessed neither Cathedral nor Collegiate Church to account for the growth of its Schools. In Northern Europe the Schools are invariably found to be under the immediate supervision of some local ecclesiastical authority; while at Oxford the Masters seem at first to have enjoyed practical independence; and, when at length their Schools were subjected to ecclesiastical regulation, they were allowed to elect their own Superior, who was dependent only on the distant Bishop of Lincoln. The natural inference from these facts is that the School must have originated—

this is the last place where they would have put it. The authority quoted for the statement that S. Frideswyde's was at one time, before the Conquest, in the hands of the monks of Abingdon is Capgrave (*Nov. Legenda Angliæ*, London, 1516, x. cliii *b*), who says 'Abendoniensi abbati ecclesia sancte Frideswide cum possessionibus suis a rege quodam donata fuit' (based on MS. *Chartulary of S. Frid.*, Ch. Ch. Library, No. 340, p. 8). But this state of things did not continue 'for two generations after the Norman Conquest' (Brodrick, *Hist. of Oxford*, p. 48). On the contrary, Capgrave says that Abingdon was in possession 'per aliquot annos.' It is certain that the Church was in the hands of secular Canons at the date of Domesday and up to the time of the intrusion of the regular Canons. Bryan Twyne (ap. Dugdale, VI. p. 1622) speaks of a 'Monastery of S. Aldate's' as founded in 1122. The 'Monastery' of S. Aldad is mentioned in the *Chron. Mon. de Abendon*, ed. Stevenson (II. 1858, pp. 174, 213), on which his statement is based: but nothing is said as to the date of its foundation, nor indeed does it appear clear that there were then any monks in the House. In any case it must have been a very insignificant foundation. There is indeed no good evidence that there was any Benedictine House in Oxford till the foundation of the Benedictine Halls or Colleges, still less for connecting the origin of the University with any Benedictine Schools, a theory which Mr. Mullinger (*Cambridge*, I. p. 83) seems inclined to accept—in spite of his previous ascription to Oxford of an 'origin similar to that assigned to the university of Paris' (p. 80).

probably at the time of some ecclesiastical confusion—in a migration from one of the great archetypal Universities. No doubt a reader unacquainted with the history of other Universities will be disposed to ascribe an *a priori* improbability to a theory which places the origin of a great University in some sudden and catastrophic movement of this kind. There will, however, be no such prejudice in the mind of the student familiar with the migratory habits of the medieval scholar and acquainted with the early history of academic constitutions. In ascribing the origin of Oxford to an academic migration I am at least ascribing it to a *vera causa*, which is known to have produced the Universities of Reggio, Vicenza, Vercelli, Padua, Leipsic, and other permanent Universities, to say nothing of the enormous number of merely temporary migrations.

Presumably in a migration from Paris.

If Oxford originated in an academic migration, it will hardly be disputed that its original Masters and scholars must have come from Paris, then the ordinary place of higher education for English ecclesiastics. Is there any trace of such a movement in actual history? Previous enquirers seem to have entirely overlooked the allusions to this movement, probably because they are of a kind which could not be discovered by turning out the word Oxford in the indices of the various contemporary chroniclers

Exodus of English scholars from Paris in 1167.

These allusions are sufficient to establish a high probability that the University of Oxford owes its origin to the quarrel of Becket with Henry II. In 1167 the exiled John of Salisbury, in a letter to one Peter the Writer, speaks of certain ominous events which had gone far to fulfil an astrological prediction about the issues of the current year. This prophecy contained the enigmatic statement that the votaries of Mercury (*Mercuriales*) should be depressed: and in that year, the writer continues, 'the *Mercuriales* were so depressed that France, the mildest and most civil of nations, has expelled her alien scholars[1].' Is it not more

[1] 'Bella et seditiones ubique fervent; Mercuriales adeo depressi sunt ut Francia, omnium mitissima et civilissima nationum, alienigenas scholares abegerit.' *Materials for the History of Thomas Becket*, ed.

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than probable, having regard to the state of relations between England and France, that the alien scholars were, or at least included, the subjects of the English king, especially since the English then formed by far the largest body of foreign students at Paris? The event thus obscurely alluded to may have been a measure of hostility aimed by the French King against the oppressor of Holy Church and the English ecclesiastics, who as a body sided with their King against their not yet canonised Primate; or this expulsion may be only rhetorically attributed to France, and the incident may really have been a voluntary exodus such as we have independent reasons for believing to have taken place at about this time. In any case, the movement must have been one of considerable magnitude, since it struck the imagination of contemporaries as worthy of being associated with the disastrous retreat of Frederick I from Rome and other events of European importance[1].

Recall of English scholars by Henry II.

Among a series of ordinances directed against the partisans of Becket by Henry II occurs a provision that henceforth no clerk shall cross from the Continent to England or from England to the Continent without leave of the King or his Justiciar in England. Moreover, at the same time all clerks who possessed 'revenues' in England were to be summoned by the Sheriffs to return within three months 'as they loved their revenues[2].' There can be no doubt

Robertson, VI. pp. 235, 236. Cf. Denifle, *Chartul. Univ. Paris, Introd.* No. 20, where Mercuriales is explained by 'professores bonarum litterarum.'

[1] See the context of the passage cited above.

[2] 'Nullus clericus vel monachus vel conversus vel alicujus conversationis permittatur transfretare vel redire in Angliam, nisi de transitu suo habeat litteras justitiæ et de reditu suo litteras domini regis. Si quis aliter inventus fuerit agens, capiatur et incarceretur. . . . Ut omnes clerici qui reditus habent in Anglia sint submoniti per omnes comitatus ut infra tres menses veniant in Angliam ad reditus suos, sicut diligunt reditus suos, et si non venerint ad terminum statutum, reditus in manu regis capiantur.' *Vita S. Thomæ, auctore Willelmo Cantuariensi*, ap. *Materials*, &c. I. pp. 53, 54.

Here the constitutions appear under 1165; in Hoveden (ed. Stubbs, I. pp. 231, 232) under 1164; in Gervase of Canterbury (ed. Stubbs, I. p. 215), and *Materials*, VII. pp. 148, 149, under 1169. See the notes of Bishop Stubbs on Hoveden *l. c*, and of Robertson in

that in the middle of the twelfth century scores, in fact hundreds, of Masters and scholars beneficed in England must have been studying in the Schools of Paris. Equally little doubt can there be that a large proportion of them 'loved' their benefices. Hence we are absolutely bound to infer the return to England in obedience to the Royal command of a large body of Parisian Masters and scholars. At all events, all communication with the Continent would have been cut off for the Parisian students passing a vacation in England, and for the intending freshmen of the year, at a time when probably some hundreds of young Englishmen annually left the shores of England for the Schools of Paris. What became of this repulsed scholastic host? Nobody who knows anything at all of the habits of the medieval scholar will doubt that somewhere or other—in one town or in several—at least a portion of these scholars would be sure to congregate under their old Masters, and transfer to English soil their old studies, their old discipline, and—so far as altered circumstances permitted—their old organisation. As a matter of fact, we hear of no such congregation of scholars except at Oxford. If the recalled Scholars did not go to Oxford, where did they go to?

Date of the Ordinances.

The date of these ordinances is not quite certain. By some of the chroniclers they are given under the year 1165, by others (with some variations) under 1169. The best authorities agree in referring them to 1169, and there is no doubt that, if the whole collection is to be referred to the same year, they cannot be placed earlier. In that case the 'expulsion' alluded to by John of Salisbury cannot be connected with the action of Henry II. But it seems quite probable that the ordinances collected together by the chroniclers may really have been issued at different dates; and that this particular edict may have been issued towards

Materials. I may add that the two provisions do not seem quite consistent with each other, and that they are not placed consecutively in spite of their relation to the same subject-matter, which seems to suggest that they may have been issued at different times.

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the close of 1167, when John of Salisbury's letter must have been written. That hypothesis will account for the discrepancy between the various chroniclers. In that case we may definitely assign the birth of Oxford as a Studium Generale to 1167 or the beginning of 1168. If any doubt be entertained as to whether an edict against the 'transfretation' of 'clerks' would really have affected the scholars of Paris, we may appeal to a passage in one of Becket's own letters, in which he complains that the King 'wants (or wills) all scholars to return to their country or be deprived of their benefices[1],' while the correspondence of the Becket circle is full of allusions to the strictness with which the ports were watched in execution of the royal orders.

Schools of Oxford before 1167.

In connecting the sudden rise of Oxford into a Studium Generale with the recall of the English scholars from Paris by Henry II in or about the year 1167, I am far from denying that there were already, or had been at an earlier date, Schools of considerable importance at Oxford. A certain scholastic reputation, or a tradition of past scholastic reputation, may well have been one of the causes which attracted the recalled Parisians to Oxford rather than to any other of the few English towns whose size and situation fitted them equally well for the sudden reception of a large body of scholars.

[1] 'Vult etiam ut omnes scholares repatriare cogantur aut beneficiis suis priventur.' *Materials*, VII. p. 146. This letter is referred by Robertson to 1169, but apparently only in consequence of his view as to the date of the Edict.

The following passage from the Letters of John of Salisbury, though it does not mention Oxford, seems to point to the existence of a University town somewhere in England: 'Unde et studiis tuis congratulor, quem agnosco ex signis perspicuis in urbe garrula et ventosa (ut pace scholarium dictum sit) non tam inutilium argumentorum locos inquirere, quam virtutum.' *Materials*, VI. p. 6. The letter is dated 1166 by Canon Robertson, and it must have been written after Whitsunday in that year when the Archdeacon of Poitou was excommunicated, but it may well have been written a year later. That his correspondent Black was in England cannot be proved: I can only appeal to the general tone of this and the preceding letter. He appears to have kept John of Salisbury informed as to the doings of the English Bishops.

Theobaldus Stampensis.

There are two indisputable pieces of evidence, and one very questionable piece of evidence, which tend to prove the existence of not unimportant Schools at Oxford before the year 1167. The first, and by far the most conclusive, of these has been overlooked by all the more recent historians of Oxford. Two letters are preserved from a certain Theobaldus Stampensis, one of them addressed to Faritius, Abbot of Abingdon from 1101 to 1117; the other to the illustrious Roscellinus after he had been compelled to flee (possibly to England) from the violence of his theological opponents. The writer is described as 'Master at Oxford.' In other and earlier letters he appears as 'Doctor at Caen[1].' A comparison of dates then makes it clear that at some time before the year 1117 this French or Norman ecclesiastic, who had hitherto taught

[1] Theobaldus Stampensis is mentioned by Wood (*Annals*, I. p. 140) as an Oxford doctor *sub anno* 1129; but later writers have probably been misled by the authority of Bale and Fabricius, who place him in the thirteenth century. Five letters of Theobald are printed in D'Achery's *Spicilegium*, III. (1723) p. 445, and Migne T. 163, p. 759. They are as follows:—

(1) 'Ad episcopum Lincolniensem —De quibusdam in divina pagina titubantibus.' D'Achery gives the date 1108. The Bishop of Lincoln at this time (1093–1123) was Robert Bloet. The mistake as to the author's date seems to have arisen from confusion with the better known Robert Grossetête, Bishop of Lincoln 1235–1253. The object of the letter is to uphold the efficacy of *poenitentia* in all cases, even without *confessio oris*, where that is impossible.

(2) *Inc.* 'Pharitio venerando Habendonensis Ecclesiæ prælato, domino suo et indubitanter amico Theobaldus magister Oxenefordiæ.' On the certain damnation of unbaptized infants, &c. [As to date, see *Chron. de Abingdon*, ed. Stevenson, 1858, II. pp. 286, 290.]

(3) *Inc.* 'Margaritæ præcellenti reginæ, præcellentis regis filiæ, Theobaldus Stampensis, doctor Cadumensis.' This Margaret must be Queen Margaret of Scotland, who died in 1093.

(4) *Inc.* 'Theobaldus magister Cadumensis Philippo amico suo desiderabili.' A violent attack on monasticism; in fact, an apology for clerical marriage or concubinage.

(5) *Inc.* 'Roscelino Compendioso magistro Theobaldus Stampensis magister Oxnefordiæ.' A violent reply to Roscellinus's attack on the preferment of priests' sons.

There is, of course, no authority for the statement of the authors of the *Histoire Littéraire de la France* (XI. p. 91) that Roscellinus 'excita de nouveaux troubles en Angleterre, dans l'académie d'Oxford, en soutenant que les enfans des prêtres ne pouvoient pas être élevés aux ordres sacrés.' These letters, unknown to any historian of Oxford, are mentioned by Cousin, *Ouvrages inédits d'Abélard*, p. xcvii.

CHAP. XII, § 1. at Caen, transferred his School to Oxford. A little tractate of his against the Monks, preserved in a Bodleian MS., proves that he was not a Monk, though he may very well have been teaching under the authority of the Canons of S. Frideswyde's [1]. An anonymous reply to this very violent onslaught contains the interesting statement that he had under him at Oxford 'sixty or a hundred clerks, more or less [2].' The subject-matter of these literary remains

[1] The MS. (Bodley, 561), written in the first half of the twelfth century, is an 'Improperium cuiusdam in Monachos' which begins—'Thurstano Dei gratia laudabili Eboracensium archiepiscopo T. Stampensis, Magister Oxinefordie' (f. 61), and is directed chiefly against the practice of impropriating parish churches and serving them by monastic priests. The tone of the document may be inferred from one of the opening sentences: 'Aliud est ecclesia, aliud est monasterium. Ecclesia namque est conuocatio fidelium, monasterium uero locus et carcer damnatorum, i. e. monachorum qui se ipsos damnauerunt ut damnationem euitarent perpetuam.' Since Thurstan was Archbishop of York from 1119 to 1139, we get a *terminus a quo*. This treatise cannot have been written before 1119.

[2] The passage is worth quoting in full:

'Et si uagorum noveras uicia clericorum (68 *b*), debueras tamen honorem deferre timori magistrorum et religiosorum canonicorum. *O Coridon, Coridon, que te dementia cepit!* Numquid non sunt ubique terrarum liberales magistri qui dicuntur et clerici? Tu quoque nescio quis nonne magistri uice sexagenos aut centenos plusue minusue clericos regere diceris quibus uenditor verborum cupidus efficeris, forsitan ut eos incautos nequissime fallas, sic ut ipse falleris? Unde ergo ista tua clericorum penuria?' Wood had apparently only seen the extracts from this MS in James' MS. *Ecloga* (in the Bodleian), but Twyne (*Antiq. Acad. Oxon. Apol.* p. 224) had read the original MS. This extract appeared in *The Academy*, no. 890: Prof. Holland has published further extracts in *Collectanea*, II. p. 156.

It is observable that the monastic *Apologia* throughout opposes canons to monks. The controversy forms part of the great struggle of the time between the monks and the secular (and usually *married*) canons. At the same time it should be observed that even regular canons seem to be included with the 'clerici' and grouped against the 'monachi.' The tractate is largely occupied with proving the necessity of celibacy for canons (whether regular or secular) as well as for monks. The following extract will illustrate these remarks:

'Veruntamen cum ait quod monasterium est locus et carcer damnatorum, i. e. monachorum, cur oblitus est, ut quidem uulgo loquar, et regularium canonicorum? An ignorat quod sanctus Augustinus ypponium ueniens concedente Ualerio tunc episcopo monasterium fundauerit, in quo se et fratres quos ad seruitium Christi de mundana conuersatione predicando subtraxerat aggregauit? Sic enim de illo scriptum legimus. . . . Constat itaque monasterium esse tam canonicorum

makes it plain that he was a Theologian, while he appears to be also included by his opponent among the category of 'liberal Masters.' Another Theologian is mentioned as teaching in Oxford in the year 1133. This was Robert Pullus or Pullen[1], the author of one of the most important collections of 'Sentences' eventually superseded by the more famous work of Peter the Lombard, which is, however, largely based upon the work of his English predecessor. He was afterwards a Cardinal and Chancellor of the Holy Roman Church[2].

Robert Pullen.

Far more doubtful is the received opinion that the eminent Lombard Jurist Vacarius taught at Oxford in the year 1149. It is certain that some years before this date

Case of Vacarius doubtful.

quam et monachorum. Quare ergo oblitus est et canonicorum? Forsitan ne damnarentur canonici sicut et monachi' (f. 63 *a*).

Whether the regular or Augustinian canons turned out the Seculars at S. Frideswyde's in 1111 or in 1122 appears to be doubtful (see Dugdale, *Monasticon Anglicanum*, ed. Caley, II. p. 134; Matt. Paris, *Chron. Maj.*, ed. Luard, II. p. 139; William of Malmesbury, *Gesta Pontificum*, ed. Hamilton (1870), p. 316; Wood, *Annals*, I. pp. 138, 139). According to the S. Frideswyde's Chartulary (MS. Ch. Ch. Library, p. 8. Cf. Twyne, *Antiq. Acad. Oxon. Apologia*, p. 224), the transference took place *circa* 1122, and this is probably the true date. If so, Theobald must have taught before the expulsion of the Seculars; in any case, he was no doubt a Secular himself, teaching probably more or less under the authority of the Canons.

[1] The passage in the Oseney Chronicle runs:—'MCXXXIII. Mag. Robertus Pulein scripturas divinas quæ in Anglia obsoluerant, apud Oxoniam legere cœpit. Qui postea cum ex doctrina ejus ecclesia tam Anglicana quam Gallicana plurimum profecisset a Papa Lucio secundo vocatus et in cancellarium Sanctae Romanæ ecclesiæ promotus est' (ed. Luard, *Annal. Monast.* IV. pp. 19, 20). The 'Continuator of Bede' (Bodley MS. 712, f. 275) says:—'Eodem anno (1233) venit Robertus cognomento Pullus de ciuitate Exonia Oxenfordiam ibique Scripturas divinas, que per idem tempus in Angliam (*sic*) absolute erant, et scholasticis quippe neglecte fuerant, per quinquennium legit, omnique die dominico uerbum Dei populo predicavit, ex cujus doctrina plurimi profecerunt.' The MS. belongs to the fourteenth century. The statements in the last two clauses are no doubt a rhetorical flourish and have a suspicious resemblance to the passage about Cambridge in the Ingulfine forgery (see below, p. 545). The passage is probably a rhetorical amplification of the Oseney Chronicler's statement.

[2] Some doubt has been expressed about the identity, but see John of Hexham in *Symeonis Monachi Opera*, ed. Arnold, II. London, 1886, p. 319. His *Sententiæ* are published in Migne T. 186: for an account of the book see Erdmann, *Hist. of Phil.* E. T. I. p. 337 *sq.*

CHAP. XII, § 1. he was brought to England by Theobald, Archbishop of Canterbury, to assist in the settlement of that prelate's dispute with Henry of Blois, Bishop of Winchester. Several historians mention the fact that he was the first teacher of the Civil Law in England. But only one writer, Gervase of Canterbury, mentions that this teaching was at Oxford [1]. From the way in which John of Salisbury speaks of these Civil Law lectures, it is more than probable that he means them to have taken place in the 'household' of Archbishop Theobald, in which it is independently certain that lectures and disputations were held on a scale which leads Bishop Stubbs to speak of this Palatine School as a kind of 'University [2].' John of Salisbury was a member of the

[1] The passages alluded to are as follows:—

(1) 'Alios uidi qui libros legis deputant igni, nec scindere vererentur si in manus eorum iura peruenirent aut canones. Tempore Regis Stephani a regno iusse sunt leges Romane, quas in Britanniam domus uenerabilis patris Teodbaldi, Britanniarum primatis, asciuerat. Ne quis enim libros retineret edicto regio prohibitum est, et Vacario nostro indictum silentium: sed Deo faciente eo magis uirtus legis inualuit quo eam amplius nitebatur impietas infirmare.' Joh. Saresberiensis, *Polycraticus*, VIII. c. 22 (MS. Barlow 6 in Bodleian).

(2) 'Magister Vacarius, gente Longobardus, vir honestus et iurisperitus, cum leges Romanas anno ab incarnatione Domini 1149 in Anglia discipulos doceret, et multi tam divites quam pauperes ad eum causa discendi confluerent, suggestione pauperum de codice et digesta excerptos novem libros composuit, qui sufficiunt ad omnes legum lites quae in scholis frequentari solent decidendas, si quis eos perfecte noverit.' Rob. de Monte, *Chronica* (Migne, T. 160. 466) (repeated in the *Chronica Normanniae*, in Duchesne, *Hist. Norm. SS.*, 1619, p. 983).

(3) [After mentioning the contest between Archbishop Theobald and Henry of Winchester]: 'Oriuntur hinc inde discordiae graves, lites et appellationes antea inauditae. Tunc leges et causidici in Angliam primo vocati sunt, quorum primus erat Magister Vacarius. Hic in Oxonefordia legem docuit.' Gervasius Cantuariensis, *Actus Pontificum Cantuar.* (ed. Stubbs, II. London, 1880, p. 384).

It is observable that Gervase evidently knew very little about the history of legal study, since he makes Gratian teach at Rome. The *Actus Pontificum* was written at the earliest in 1199 (I. p. xxvii); the MS. is after the second half of the thirteenth century.

Cf. also Bacon, *Opera Inedita*, ed. Brewer, p. 420. Of modern writers who have dealt with Vacarius, the most important is Wenck, *Magister Vacarius*, Lipsiae, 1820: *Leipziger Literatur-Zeitung*, 1821, nos. 273, 274. See also Holland in *Collectanea*, II. p. 165.

[2] On these Archiepiscopal Schools, see Bishop Stubbs' delightful *Lec-*

Archbishop's household at the time and cannot have been mistaken. If therefore his statement is inconsistent with that of Gervase, there can be no doubt which of them is to be accepted, since Gervase wrote at the beginning of the following century. But it should be observed that Gervase does not explicitly put the Oxford teaching in 1149. His language is consistent with the supposition that this teaching took place at some later date, and it is certain that Vacarius was living in England as late as 1198[1]. It is likely enough that Gervase made a mistake

tures on Med. and Mod. Hist. pp. 130–1, 142 *sq.* By a singular coincidence Peter of Blois (Ep. vi. ap. Migne, T. 207. c. 17) actually speaks of the clerks in the Archbishop's household as a 'Universitas': 'quod si Deus minori quæ potiora sunt revelaverit, ejus sententiæ sine omni invidia et depravatione universitas acquiescit.' Of course, the word is used non-technically. The study of the Roman Law in England during the second half of the twelfth century was much more vigorous than is commonly supposed. It was not till the following century that it was finally decided that the old common law of England was not to be superseded or modified by the Civil Law of Rome (as was the case in so large a part of Europe), and that the common-law bar was not to be supplied by University-bred ecclesiastics and Civilians. For the number of books on Civil or Canon Law composed in England about 1180–1200 see Caillemer, *Le Droit Civil dans les provinces Anglo-normandes au xiie siècle* in *Mém. de l'Ac. des Sciences etc. de Caen*, 1883, p. 156 *sq.*; and for an alleged attempt to organise Roman Law teaching in London, Appendix xviii.

[1] Hoveden, ed. Stubbs, IV. p. 75. He is also mentioned as a Canon of York in a bull addressed in 1171 to the Archbishop of Rouen respecting the absolution of the Archbishop of York. *Materials*, VII. p. 500; cf. Migne, T. 190. c. 407. A 'magister vacarius' appears in connexion with the North of England in 1175. *Cartul. abbat. de Rievalle*, ed. Atkinson (Surtees Soc. 1889), p. 83 (noticed by Liebermann, *Deutsche Zeitschr. f. Geschichtswissenschaft*, B. iii. p. 195). See also Holland in *Collectanea*, II. p. 170. Prof. Holland has made a very useful collection of the twelfth-century allusions to Oxford hitherto pointed out, but he adds nothing to the above notices for this period except a passage about Robert of Cricklade, afterwards Prior of S. Frideswyde, of whom he says: 'There is no reason to suppose that the schools in question' [in which he was 'Magister Scholarum' when young] 'were situated elsewhere than at Oxford, in which city and its neighbourhood this great scholar seems to have passed his life' (p. 142). Of the gratuitousness of this last assumption readers may judge from the fact that Robert became a Canon Regular at Cirencester (see below, p. 344). Prof. Holland is evidently influenced by the tacit assumption that there were Schools nowhere else but at Oxford. Theobaldus Stampensis tells us that there were Schools at this time in

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about the date, if not about the place, of Vacarius' law teaching[1]. The fact that Vacarius' *Liber Pauperum*, a compendium of the Civil Law, occupied a prominent place in the studies of Oxford towards the end of the century, confirms Gervase's statement that he did teach at Oxford, but it is quite as likely that the teaching was after 1167 as before it[2].

Position as Studium Generale due to Parisian migration.

But whatever may be thought as to the place or date of Vacarius' teaching, the question has little bearing upon the problem with which we are now concerned. The question is not how there came to be Schools in Oxford, but how these Schools grew into a Studium Generale. Up to 1167 we have no evidence of the existence in Oxford of more than one Master at a time: a single Master does not make a University. There were other Schools in England quite as important as we have any reason for believing Oxford to have been in the time of Theobald or Pullen or Vacarius; if the last really taught here before 1167. The question is 'Why did Oxford alone of all these Schools

every town and village: 'non solum in urbibus et castellis, uerum etiam et in uillulis, peritissimi scolarum magistri quot fiscorum regalium exactores et ministri' (Bodley MS. 561, f. 68 *b*).

[1] My doubts on the subject of Vacarius were suggested by Schaarschmidt (*Johannes Saresberiensis*, Leipzig, 1862). At the same time I must point out that he unjustifiably passes over in silence the testimony of the Oseney Chronicler and makes the statement as to Pullus rest on that of the anonymous continuator of Bede only. His view that the Studium had no existence (in post-Saxon times) till 1229 (p. 19) is simply absurd, and could hardly have been made even by Schaarschmidt since publication of the *Munimenta Academica*. This excessive scepticism is the more remarkable in a writer who appears inclined to swallow the Alfredian story.

[2] See the account of Daniel of Merlac or Morley who, arriving from Toledo some time between 1175 and 1200, describes England as wholly given up to the study of Law ('Pro Titio et Seio penitus Aristoteles et Plato oblivioni darentur') and continues 'Tum ne ego solus inter Romanos Græcus remanerem, ubi huiusmodi studium florere didiceram, iter arripui.' (There can be little doubt that the place was Oxford; observe that the Studium seems to have sprung up since the writer left England.) The passage is printed by Holland, *Collectanea* II. pp. 171–2 (cf. below, p. 347, n. 1). In 1187–1200 Giraldus Cambrensis tells a story 'de clerico Oxoniensi, nomine Martino,' from which it appears that the Oxford Law-students were styled 'Pauperistæ.' But see below, App. XIX. In 1195 Giraldus Cambrensis makes the Archbishop hold a Court at Oxford 'præsentibus scholaribus multis et iurisperitis.' (*Opera*, ed. Brewer II. p. 345.)

grow into a Studium Generale?' It is, of course, in itself conceivable that such a Studium may have grown up by purely spontaneous evolution. I have already given reasons for believing that Oxford did not develope in this way. Unless we are to reject all the evidence that we possess as to the Schools of the twelfth century in France and England, we must suppose that Theobald and Pullen taught in connexion with one of the great Churches, probably S. Frideswyde's. Or if a great Master of established repute from Caen or Paris or Bologna may conceivably have been allowed to lecture in defiance of the usual rule without any special authorisation, this supposition cannot be allowed in the case of the humbler Masters of Arts who formed at Oxford and Paris the true nucleus of the University. The hypothesis of a migration is the only one which will account for the independence of the Oxford Masters and the absence of any organic connexion with an Oxford Church. Evidence has been given to show that such a migration from Paris to England did take place about the year 1167. No doubt we cannot prove that the Masters and scholars expelled or recalled from Paris in or about 1167 came to Oxford. All we can show is that the prohibition to study at Paris would naturally tend, sooner or later, to the formation of a Studium Generale in England; that we hear nothing of a Studium Generale for half-a-century after 1167 except at Oxford; that at Oxford there is no evidence of a Studium Generale before 1167, while there is such evidence within a very few years after 1167. The method of exclusions is accounted a good one even in Physical Science. A hypothesis which alone explains all the facts and which is alone in accordance with all known analogies, is entitled to at least a provisional acceptance[1].

The last link in this chain of circumstantial evidence

[1] I do not assert that the connexion of the migration with Oxford is direct and immediate. For (1) the expelled scholars may have halted at and temporarily studied in some other town or towns. (2) Or several Studia may have been set up while only one prospered: as happened with the migration from Oxford in 1209 (see below, p. 349). (3) Less probably, the Studium may have been originally formed by

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Allusions after 1167 testify to generality of Studium.

remains to be set up[1]. It is not merely in their number but in their character that the allusions to Oxford Schools after 1167 differ from the earlier notices. One Master, even if he enjoys a following of 'sixty or a hundred scholars, more or less,' does not make a Studium Generale. After 1167 the notices are precisely of the kind which do

students prevented from going to Paris. In this case most of the Masters must have been Paris Masters, since most highly educated Englishmen (except lawyers) had studied at Paris; and these would naturally have been joined by new arrivals from the Continent. The first suppositions are in accordance with numerous analogies; at the same time there is no evidence for them. What we can be morally certain of is some causal connexion between the proved interruption of intercourse with Paris, *circa* 1167, and the proved emergence of Oxford into a Studium Generale soon afterwards.

[1] We should indeed have to add a most important piece of evidence to those already adduced if there were any ground for the theory that John of Salisbury studied and taught at Oxford in the middle of the twelfth century, and that his description of the scholastic logomachies of his day refers to the schools not of Chartres and Paris but of Oxford. It is sufficient here to say that the theory is devoid of all direct evidence, is very difficult to accommodate to what we know of the facts of John of Salisbury's life, and has arisen merely from an uncritical acceptance of Wood's conjecture (I. 143) that because John of Salisbury mentions Robert Pullus as one of his Masters, and Pullus is recorded to have at one time taught at Oxford, it was at Oxford that John of Salisbury heard him. The theory, accepted by Huber, was elaborately defended by Christian Petersen in his edition of John of Salisbury's *Entheticus de Dogmate Philosophorum* (Hamburg, 1843, pp. 68–81), where the above-mentioned description occurs. Moreover, in the celebrated piece of autobiography in *Metalogicus*, ii. c. 10 we read 'Extraxerunt me hinc (i.e. from Paris) rei familiaris angustia, sociorum petitio et consilium amicorum, ut officium docentis aggrederer. Parui. Reversus itaque in fine triennii reperi magistrum Gilbertum ipsumque audivi.... Successit Robertus Pullus.' The 'return' was probably to Paris, though it may conceivably have been to Chartres. Petersen assumes that the return was from England. Schaarschmidt (pp. 13–21) successfully shows the baselessness and extreme improbability of this view, though some of his reasoning is not conclusive. The 'officium docentis' was more probably exercised somewhere in the country (not necessarily at one place) than (as Schaarschmidt supposes) at Ste Geneviève. Mr. Mullinger tells us that 'John of Salisbury, writing about the year 1152, relates how, when he *returned* to Oxford after his residence at Paris, whither he had gone to study the canon law, he found the wordy warfare raging with undiminished vigour' (*Cambridge*, I. p. 56), thus bringing John to Oxford not once but twice; while an Oxford historian says 'We have the positive testimony of John of Salisbury,' &c.

point to the existence of a Studium Generale in the looser and earlier sense of the word, i. e. to the existence of Schools in more than one Faculty, taught by many Masters, attended by a numerous body of scholars, and by scholars from distant regions. Some of them likewise show slight traces of a germinal organisation similar to that which had just begun to ripen in the Schools of Paris.

Visit of Giraldus Cambrensis *circa* 1185.

The earliest allusion to the Schools of Oxford after 1167 which previous historians have had before them, is contained in the amusing account given by the Welsh traveller and historian, Giraldus Cambrensis, of his visit to Oxford about the year 1184 or 1185 when, as he recounts in the most flattering of all Autobiographies, he read his recently composed book, the *Topographia Hibernica*, before the assembled Masters and scholars. But the story shall be given in his own words. He is modest enough to put his self-panegyric into the third person:

'In course of time, when the work was completed and corrected, desiring not to hide his candle under a bushel, but to place it on a candlestick so that it might give light, he resolved to read his work at Oxford, where the clergy in England chiefly flourished and excelled in clerkship, before that great audience. And as there were three distinctions or divisions in the work, and each division occupied a day, the readings lasted three successive days. And on the first day he received and entertained in his Hostel all the poor (i. e. poor scholars) of the whole town; on the second all the Doctors of the different Faculties, and such of their pupils as were of greater fame and note; on the third the rest of the scholars with many knights, townsfolk, and burghers. It was a costly and noble act, for the authentic and ancient times of the poets were thus renewed, nor does the present or any past age recall anything like it in England[1].'

[1] Giraldus Cambrensis, ed. Brewer, I. pp. 72, 73. For other allusions to the same event, cf. l. c. I. pp. 221, 409; III. p. 92. In the last place the versifier and satirist Walter Mapes or Map, Archdeacon of Oxford, is spoken of as 'Magister Oxoniensis.'

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A large body of Masters.

Here then we have suddenly revealed to us the existence of a Studium on a very much larger scale than any ordinary Cathedral or monastic School. One at least of the characteristics which differentiate the Studium Generale from such Schools is presented to us in the number of Masters, and of Masters in several Faculties, who attended these readings of Giraldus. This is the first piece of evidence which supplies the smallest reason for attributing to Oxford any scholastic reputation beyond what was possessed by Lincoln or Hereford or St. Alban's; and now, we are told, the reputation of the Oxford 'clergy' exceeded that of any other city in England. The suddenness of this rise of the Oxford School is a phenomenon which can hardly be accounted for by any other hypothesis than the one here propounded. But the evidence relates to the year 1184 or 1185. Is it probable, it may be asked, that so large a body of scholars as the migration theory postulates should have congregated in Oxford even for a period of some eighteen years without any other evidence of their existence? I believe it is possible to push back the direct evidence for the existence of a Studium Generale to within a few years of the date at which we have circumstantial evidence of migration of Parisian Scholars into England.

A north-country scholar here, *c.* 1180.

In a recent volume of the *Acta Sanctorum* there has been published a very curious account, written by one of the then resident Canons, of the 'translation' of the body of S. Frideswyde to the new shrine erected for its reception in 1180. Among the miracles which apparently took place immediately after the translation, we read of the cure of a scholar. The mere fact that there was one scholar in Oxford will not prove much for the importance of its Studium any more than the existence of a single Master in 1110 or 1133. But the significant fact is that the scholar was a native of Yorkshire and had come all the way to Oxford 'for the sake of his studies[1].'

[1] 'Morabatur eo tempore apud Oxenefordiam studiorum causa clericus quidam Stephanus nomine, de Eboracensi regione oriundus,' etc. A. SS. Oct. 29, p. 579. I owe this reference to the kindness of the

The Schools were already *de facto* what would afterwards have been called a Studium Generale.

Extensive book trade, 1170–1180.

The second evidence of a University prior to 1185 is an undated conveyance. Bryan Twyne relies much, in proof of his preposterous theories as to the antiquity of the University, upon the bonds and similar documents in relation to property which are preserved amongst the Archives of the University. An examination of these documents, however, discloses only one which proves the existence of a Studium at an earlier date than 1200[1]. This document is a transfer of property in 'Cattestreet[2],' close to S. Mary's Church. Among the parties or witnesses appear the names of one bookbinder, three illuminators, one writer, and two parchmenters—all evidently residing in the immediate neighbourhood of S. Mary's, close to the School Street of later times. However they got there, it is evident by this time that Oxford is a city of Schools. On palaeographical grounds it is certain that the document cannot be much later than 1180[3], if it is not a little earlier; while an examination of the names and subsequent appearances of the witnesses makes it clear that the date cannot be pushed back much before that year.

Rev. W. D. Macray of the Bodleian: but it had not escaped Twyne (MSS. XXI. p. 13).

[1] It is true that Wood (I. p. 136) declares that 'in the ancientest evidences' which he had seen concerning tenements in Oxford, there occur allusions to the 'Vicus Scholarum' and 'Vicus Schediasticorum,' but on such a matter none of the older University Antiquaries can be trusted where they do not produce their evidence. And it is to be noted that Wood does not explicitly state, though he insinuates, that these 'ancientest evidences' belong to the reign of Stephen. Such enquiries and investigations as I have been able to make as to the College Muniments lead me to believe that no such documents of King Stephen's reign exist in Oxford. There are certainly none in the University Archives.

[2] By a blunder of the now extinct Local Board this ancient thoroughfare (leading from Broad Street to the High Street along the front of Hertford College) is now officially designated Catherine's Street, as though the ancient 'Cat-street' was an abbreviation of Catherine Street, an assumption for which there is no evidence.

[3] Such is the opinion of Mr. Macray; and he inclines to place it rather earlier. On the other hand, the use of the form Oxonia which elsewhere, I think, does not occur before 1190, is an argument against

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University Sermons soon after 1170.

Another fresh piece of evidence brings us still closer to 1167. Among the persons cured at the tomb of S. Thomas was Robert, Prior of S. Frideswyde's at Oxford. In giving an account of his previous sufferings, the Prior reminds his hearers how he used to ask to be allowed a chair when preaching in the presence of 'clerks from various parts of England [1].' The Icelandic Saga on the death of Thomas shows that the cure cannot have occurred later than 1172 [2]. At this date, then, we have established the existence at Oxford of precisely what constituted a Studium Generale in the earliest sense of the word—i. e. of a body of scholars, large enough to demand University sermons, and coming from distant regions. Sermons would hardly have been provided for less than a few hundred scholars. Such are the numbers of the Oxford Studium within a few years after 1167. At about the same time, Oxford is mentioned in a contemporary letter, and in a current prophecy of Merlin, in significant juxta-position to Bologna and Paris [3].

pushing it back many years before 1180. Among the witnesses is one Torald, whose son Peter occurs as Mayor of Oxford in documents ranging between 1231 and 1245. See the immense collection of Magd. Coll. documents catalogued by Mr. Macray, a copy of which is in the Bodleian (Gough Add. MSS., Top. Oxon. c. 46, T. V. *passim*). Many of the other witnesses occur in a document of circa 1190-1200 (*ib.* p. 114): cf. his *Notes from the Muniments of Magd. Coll.*, Oxford, 1882, p. 37. With reference to the form Oxonia, it is remarkable that it first occurs in notices of the Schools: it is somewhat rare before 1200. Was it a piece of classical affectation on the part of the scholarly immigrants disgusted with the cumbrous Oxenefordia? The document is reproduced in collotype as the frontispiece to this volume.

[1] 'Testis est mihi populus civitatis nostrae, quem cum in festis diebus, quandò loquebar ad eos . . . cum interessent etiam clerici diversorum locorum Angliæ, praetendebam excusationem standi,' etc. *Materials*, &c. II. p. 99.

[2] See *Thómas Saga Erkibyskups*, ed. Magnússon, II. (London, 1883), pp. lxxiv *sq.*, 92 *sq.* From frequent allusions in the Saga it is clear that Robert was one of the biographers of S. Thomas.

[3] 'Verumtamen indomita cervice ferox post vocationis meæ litteras nunc agere causas Parisius, nunc reverti Bononiam, nunc Lincolniam profiscisci, nunc morari Oxenefordiæ ordinas et disponis' (Migne T. 207, c. 185). This passage occurs in a letter from Geoffrey (Plantagenet), Bishop-elect of Lincoln to a Magister Robertus Blondus, and must belong to the period between 1173 and

After such evidence it may seem scarcely worth to mention an allusion to a certain 'Chaplain and scholar of honest conversation' in a fragment of the Llanthony Chronicle preserved by Twyne, but it is significant that the incident relates to the time 'when the blessed Thomas, Archbishop of Canterbury, was in exile[1]': and also that the Chaplain is described both as a Master and a scholar, i. e. a Master of Arts and a scholar in a superior Faculty. Here then we have evidence of more than one Faculty within some two years after our presumed migration. CHAP. XII, § 1.

The conclusion to which all this evidence points is that the real beginning of the Studium Generale at Oxford is due to the settlement therein of a body of Masters and scholars in or about 1167, in consequence of an exodus from Paris caused by the Royal edict, and the cutting off of free access to the great centre of European education. The case is not proved, but the evidence for it is as strong as circumstantial evidence can well be. It must be added that the evidence is of a kind which at every point appeals to the reader's familiarity with the state of education in the Middle Ages; everything turns upon a due appreciation of two facts, first, the close dependence of the Schools in Northern Europe upon Cathedral or other important Churches, and secondly, the habit of gregarious migration characteristic of medieval scholars. Even the evidence produced in this book gives but a faint idea on the one hand of the universality of this dependence upon the Cathedral Chancellor or Master of the Schools, on the other hand of the frequency with which wholesale migrations appear from University Character of Evidence.

1182. Oxford is also associated with Salerno, Montpellier, Paris, and Bologna by Alexander Neckam, who says that 'Iuxta vaticinium etiam Merlini, viguit ad Vada Boum sapientia.' (*De Naturis Rerum*, ed. Wright, p. 311.) Mr. T. A. Archer was good enough to point out to me that this prophecy does not occur among the earlier editions of Merlin's predictions. Would not a sudden immigration be more likely to give rise to new prophecies or interpretations of prophecy than a slowly evolved University?

[1] 'Ex relatu Magistri Ricardi de Buleia, quidam capellanus erat Oxoniæ et scholaris honestæ conversationis tempore scilicet quo beatus Thomas Archiepiscopus Cantuariensis futurus Martyr exulabat in partibus transmarinis,' Twyne, XXII. 162.

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records to be threatened or contemplated even when they are not actually carried out. The reader may be reminded of a single illustration: a century later Walter de Merton was afraid to localize his College in Oxford lest perchance the Studium should be transferred elsewhere[1].

Possible fluctuation of numbers.

We need not suppose, indeed, that the academic population of Oxford continued to be as large as it probably was during the continuance of the edict against clerical 'transfretation.' We have seen what rapid vicissitudes of fortune attended the infancy even of later and more formally instituted Universities. The numbers attending the Oxford Schools would naturally fluctuate with every change in the political relations between France and England; and in the years 1175–1185 there was a succession of ruptures between the two countries, each of which might divert a fresh party of intending students from their projected journey to the French capital, while each short-lived peace would lead to a depletion of the Oxford Studium in favour of its more famous prototype[2]. But, though there must no doubt have been fluctuations, there is every reason to believe that on the whole the numbers of the University must have rapidly increased, especially during the last decade of the twelfth and the first decade of the thirteenth century.

Frequency of allusions after 1170.

The difficulty of supposing that the Schools of Oxford can have, gradually and unaided by any sudden accession from without, grown to the size and importance which they have attained by about 1170 without further evidence of their existence than is supplied by the mention of two or three solitary Masters is enhanced by the frequency with which, when once this date is passed, the allusions pour in upon us. I have already spoken of the notices belonging to the years before Giraldus' visit in 1184 or 1185. Later on, about

[1] See below, p. 483.

[2] The effect of an outbreak of hostilities between England and the French King is well illustrated by an incident in the life of Giraldus Cambrensis who was thus prevented from going to study Theology at Paris in 1192 and went to Lincoln instead. *Opera*, I. p. 93.

the year 1190 we read of a student from the low countries crossing the seas to go to 'the common Studium of letters which was at Oxford[1].' 'Common' is, of course, a synonym of 'General,' and this is perhaps the first instance of the occurrence of this technical expression in any of its forms. In 1192 Richard of Devizes speaks of the clerks of Oxford as so numerous that the city could hardly feed them[2].

Richard I's Scholars.

In the seventh and eighth years of Richard I there occur entries in the Pipe Rolls of payments to scholars maintained in the Schools of Oxford by the Royal bounty[3]. In 1197 an Abbot of St. Edmund's Bury—the Abbot Samson immortalised by Thomas Carlyle—entertained a numerous party of Oxford Masters on a visit to the town[4]. At about the same date Thomas de Marleberge, afterwards Abbot of Evesham, taught Canon and Civil Law at Oxford[5];

The Abbot Samson.

[1] 'Qui cum mare versus Angliam anno etatis sue quasi 20, transisset communis causa studii litterarum quod fuit Oxonie, estuabat uberius liberalibus artibus se implicare.' *Emonis Chronicon* ap. Pertz, *Mon. Germ. Hist.* SS. XXIII. p. 467. The *Chron. Menkonis* (*ib.* p. 524, cf. 531) makes him study the 'Decreta, Decretales, Librum Pauperum' [etc. of Vacarius] at 'Paris, Orleans, and Oxford.' It is natural to conjecture that he studied Arts and Vacarius at Oxford, and pursued the higher legal studies at Orleans or Paris. I am indebted for this reference to Dr. Poole.

[2] 'Oxonia vix suos clericos, non dico satiat, sed sustentat.' Ric. Divisiensis, ed. Stevenson (Eng. Hist. Soc., 1838, pp. 61, 62). One MS., however, reads 'homines,' which from the context can hardly be the true reading.

[3] 'Nicholao clerico de Hungeria xviii^{li} et xvj^{s} et viiid. ad sustentandum se in scolis a festo Sancti Michaelis anni preteriti usque ad Pascham per breve Regis.' Rot. Pip., 7 Ric. I. (*ap.* Lyte, p. 14). In this and a similar entry in the following year Oxford is not mentioned, but as they occur under the County of Oxford there can of course be no doubt as to the place meant.

[4] 'Quatuordecim monachos de Conventria, qui ibi [Oxonie] convenerant, recepit in hospicio suo, et sedentibus monachis ad mensam ex una parte domus, et ex alia parte magistris scholarum, qui summoniti fuerant, laudabatur abbas magnaminus et magnificus in expensis.' *Jocelini de Brakelonda Chronica*, ed. Arnold *Memorials of S. Edmund's Abbey*, 1890, I. p. 295. Carlyle talks about 'the veritable Oxford *Caput*' (whatever that may mean) 'sitting there at dinner,' without a shadow of justification from the Chronicle. (*Past and Present*, Bk. II. ch. 16.)

[5] 'In ingressu suo attulit secum libros utriusque juris, canonici scilicet et civilis, per quos rexit scholas ante monachatum (*circa* 1200) apud Oxoniam et Exoniam.' A number of other works are mentioned, books of Cicero. Isidore, Lucan, and Juvenal. *Chron. de Evesham*, ed. Macray, London, 1863, p. 267. It is re-

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Testimony of Senatus.

while a correspondent of the Prior of Oseney alludes in the inflated style of the period to the neighbouring City 'in which abound men skilled in mystic eloquence, weighing the words of the law, bringing forth from their treasures things new and old [1].' Finally, the year 1209 introduces us to an academic population of no less (according to a contemporary estimate) than 3000 souls. It was in this year that the event occurred which ushers in the documentary period of Oxford history.

Suspendium Clericorum of 1209.

There is a remarkable parallelism between the events of the year 1209 at Oxford, and the events which in 1200 led to the grant of the Charter of Philip Augustus at Paris. The killing —quite accidental as we are assured by our clerical historian —of a woman by a scholar provoked a raid by the Mayor and burgesses upon the offender's Hostel. Several clerks were apprehended. All England was now distracted by the great quarrel between Innocent III and John. The country at large lay under interdict: the property of the Bishops was under sequestration: the King himself was excommunicated or threatened with excommunication. Under such circumstances it is not surprising to hear that John eagerly gave his consent to the execution of two or—as some accounts say—three of the imprisoned scholars [2]. The

markable that among the books of 'Physics' which follow is a 'liber Democriti.'

[1] Senatus, Prior of Worcester (1189 to 1196). He expresses surprise that he should be consulted on a point of Canon Law by one living near Oxford: 'Quod et uobis propono propter adiacentem urbem in qua abundant prudentes eloquii mistici, ponderantes uerba legis, proferentes omni poscenti de thesauro suo noua et uetera.' The first of the questions propounded was, 'utrum sacerdotes omnes sicut ordine ita indifferenter uti queant clauium potestate ligare sese et soluere, transeuntes quoque et scolares maxime, qui egressi proprium ouile, in pascuis alienis commorantur' (Bodley MS. 633, fol. 209). The question forcibly illustrates the ecclesiastical anomalousness of the Oxford scholastic community and is corroborative evidence for the non-existence of a Chancellor at this time.

[2] The story is told in *Chron. de Lanercost*, ed. Stevenson, p. 4; *Chron. Petroburg.* ed. Stapleton (Camden Society, 1849), p. 6; Matt. Paris, *Chron. Maj.*, ed. Luard, II. 1874, pp. 525-6, 569, and *Hist. Anglorum*, ed. Madden, 1866, II. p. 120; Roger de Wendover, ed. Hewlett, II. 1887, pp. 51, 94; *Chron. de Mailros*, ed. Stevenson (Bannatyne Club), Edinburgh, 1835, p. 107; Walter of Coventry, ed. Stubbs,

clerks pitched upon by the townsmen were, as we are again assured, other than the actual offenders, who had sought safety in flight. The Masters and scholars, after the manner of their class throughout Europe, hastily dispersed. Some went to Reading, the nearest town of importance: others to the great Mother-University of Paris: others to Cambridge. What attracted them to that distant marsh town we know not. Schools of some kind there may conceivably have been there already: but we hear nothing of them before this. In any case, the Studium Generale of Cambridge owes its existence to the Oxford 'suspendium clericorum' of 1209. Altogether, according to Matthew Paris, 3000 scholars left Oxford; and there is no reason to suspect that estimate of more than the usual medieval exaggeration. Though we hear afterwards of some 'profane Masters' who persisted in lecturing in defiance of ecclesiastical or academical authority, the majority of the schools must have been closed, and the existence of the University practically suspended, till the reconciliation of the King of England with the Pope compelled the citizens of Oxford to humble themselves before his Legate. A Legatine Ordinance of 1214—the year of John's grovelling submission—is the first document in the nature of a charter of privilege which the University of Oxford can boast[1]. It possesses for Oxford constitutional history something more than the importance which the charter of Philip Augustus possesses

CHAP. XII, § 1.

Dispersion.

Origin of Cambridge.

The Return and Legatine Ordinance of 1214.

II. (1873), p. 201. Wood (I. p. 183) says that 'intelligence was immediately sent to the Diocesan (the Bishop of Lincoln) and at length to the Pope, who . . . did forthwith interdict the Town.' And Mr. Lyte (p. 18) speaks of 'an interdict, more stringent apparently than that which Innocent III had laid on England in general.' The fact is that none of the authorities speak of any interdict other than the one laid on the country generally, and the 'interdict' of the Scholars themselves. Moreover, Hugh de Wells was consecrated Bishop of Lincoln on Dec. 20, 1209, and was consecrated abroad. Hence Wood's 'intelligence to the Diocesan' is the creature of his own imagination. The Chronicle of Mailros represents the place as already deserted in 1208, on account of the King's tyranny: 'pauci autem remanentes non multi post propter divinorum suspendium ex toto villam interdicendo recesserunt.'

[1] See the doc. in *Mun. Acad.* p. 1 *sq.*: Matthew Paris, *Chron. Maj.* II. p. 569.

CHAP. XII, § 1. for that of Paris. It enjoined first of all that the offenders were to do penance by marching in procession, barefoot and coatless, to their victims' grave, followed by the whole commonalty of the town, whence they were to escort the bodies to the cemetery for burial. For ten years one half the rent of existing Hostels and Schools occupied by the clerks was to be altogether remitted; and for ten years more rents were to remain as already taxed before the secession by the joint authority of the town and the Masters. Further, the town was for ever to pay an annual sum of forty-two shillings to be distributed among poor scholars on the feast of S. Nicholas, the patron of scholars, and at the same time to feast a hundred poor scholars on bread and beer, pottage, and flesh or fish. Victuals were to be sold at a reasonable rate, and an oath to the observance of these provisions was to be taken by fifty of the chief burgesses and to be annually renewed by as many of them (not exceeding fifty) as the Bishop should require.

Origin of Loan chests.

The payment of the annual fine was shortly afterwards (1219) transferred, by an agreement with the town, to the Abbot and Convent of Eynsham [1]. By an ordinance of Bishop Grossetête in 1240 it was applied to the foundation of an institution which is peculiarly characteristic of the English Universities, if not absolutely confined to them [2]. Endowments (such as we find elsewhere) left to be expended in loans without interest to the poor were no doubt a wise and useful form of charity at a time when the Jews were the only money-lenders, and when it was necessary to prevent the Jews of Oxford from charging over forty-three per cent. as annual interest on loans to scholars [3]. This institution was now introduced at Oxford for the especial benefit of scholars. The money accruing to the University was placed in a chest at S. Frideswyde's in which the borrower was required to deposit some pledge—a book, or a cup, or a piece of clothing—exceeding the value of the loan. Pledges not redeemed within a year were sold by public auction.

[1] *Mun. Acad.* p. 4 *sq* Since the Dissolution, £3 1*s.* 6*d.* has been paid by the Crown, and goes to poor scholars. [2] *Ib.* 8 *sq.* [3] *Ib.* p. 778.

In time private bequests were added to the Frideswyde chest, and the foundation of similar chests became a favourite form of benefaction, the recipients being required to make some recompense for the founder's liberality by saying a stipulated number of prayers for the repose of his soul. Some twenty of these chests were established at Oxford in the course of the Middle Ages [1].

Institution of Chancellorship.

But by far the most important provision in its bearing upon the development of the University constitution is the clause which requires that a clerk arrested by the townsmen shall be at once surrendered on the demand of 'the Bishop of Lincoln, or the Archdeacon of the place or his Official, or the Chancellor, or whomsoever the Bishop of Lincoln shall depute to this office [2].' Another clause provides that the poor scholars to be feasted on S. Nicholas' Day shall be selected by the Abbot of Oseney and the Prior of S. Frideswyde's by the advice of the Bishop, the Archdeacon of the place or his Official, or 'the Chancellor whom the Bishop of Lincoln shall set over the scholars therein [3].' These are the first allusions in any authentic document to the existence of the Chancellorship, and the words just quoted seem distinctly to imply that at present no Chancellor of Oxford existed. The alternative allowing the Archdeacon to act in matters purely affecting the scholars is hardly explicable except upon the supposition that the arrangements for the appointment of a Chancellor had still to be made, and that some delay might take place in carrying them out. The words 'whom the Bishop of Lincoln *shall* appoint' seem added, not merely because no Chancellor was actually in office, but because the office itself was not yet in existence,

[1] *Mun. Acad.* p. 10, 62 *sq.*, 95 *sq.*, 102 *sq.*, 745 *sq.* Some of the ordinances allow the University or a College to borrow.

[2] 'Si uero contingat aliquem clericum a laicis capi, statim cum fuerintis (*sic*) super eo requisiti ab Episcopo Lincolnie uel Archidiacono loci vel eius officiali uel a Cancellario seu ab eo quem Episcopus Lincolnie huic officio deputauerit, captum ei reddent.' Archives (W. P. – P. xii. 1).

[3] 'De consilio venerabilis fratris Hugonis, tunc Episcopi Lincolniensis et successorum suorum uel Archiadiaconi loci seu officialis eius aut Cancellarii quem Episcopus Lincolniensis ibidem Scolaribus preficiet.' *Ib.*

CHAP. XII, § 1. and its nature consequently required explanation. The only document bearing an earlier date which mentions a Chancellor of Oxford is stamped alike by the character of its contents and by palaeographical evidence as the most transparent of forgeries [1].

Government of Scholars before 1214.

If the Studium was in full working order by 1184 or earlier, while no Chancellor was appointed till 1214, the question may be raised, 'How were the Masters and scholars governed during the former period?' To this question our data do not admit of our giving a complete answer. The ordinary jurisdiction over Masters and scholars would of course fall to the ecclesiastical authorities. It is possible that even the License was granted by the Archdeacon [2]; or

[1] The document which is printed *in extenso* by Bulæus (*Hist. Univ. Par.* II. p. 545) begins 'Sciant uniuersi per presentes nos Cancellarium universitatis Oxonie cum toto cetu magistrorum eiusdem,' and ends 'Dat. Oxonie in domo nostre congregationis in festo S. Jacobi Apostoli An. Dom. millesimo ducentesimo primo.' It purports to bind the University never to cite into its Courts any one residing within the precincts of S. Frideswyde's; and was obviously forged to aid the Convent in a suit against the University. I was convinced of the spuriousness or later date of the document, from which the above words are cited by Wood (Appendix to *Hist. and Antiq.* etc. p. 7), (1) by the improbability that the University of Oxford should have attained a so much higher degree of corporate development than the Mother University of Paris as would be implied by its possession of a common seal, common funds, and special University Courts with considerable jurisdiction; (2) by the use of the expression 'domus congregationis' which implies a building more or less appropriated to University purposes. I afterwards saw the document (Archives, W. E. P.–Y. 1) and found affixed to it a note by Mr. Macray of the Bodleian Library assigning the MS. (which has the seal complete) to *circa* 1380 A. D. Smith, the acute and learned historian of University College, notes it as a forgery (*Annals*, p. 202), and its genuineness was questioned by the older scholars such as Sir Robert Cotton, and Spelman (see Twyne MSS. III. p. 140: where Twyne and Wood are clearly arguing against their convictions). Mr. Lyte has the merit of being the first of the professed historians of the University who has escaped the pitfall into which even Denifle has slipped (I. p. 244)! Another document of the same kind forged by the same versatile Canons occurs in a MS. in Bodley (*Cat. of Oxford Charters*, ch. 127).

[2] The Archdeacon is mentioned rather prominently in connexion with the Schools by the Ordinance of 1214, and it is possible that he had some control over them. He may even have conferred the license; it is certain that he had some jurisdiction over the Grammar Schools (*Mun. Acad.* p. 85, and below,

we may suppose either that the Masters of Oxford, like the Parisian Masters who seceded to Angers and other places in 1219, conducted the Inceptions of new Masters on their own responsibility[1], or that they ventured (like the Masters of Paris on another occasion[2]) to elect an official of their own to give the License.

The Master of the Schools.

At all events it seems pretty clear that some kind of official Head of the Schools must have been in existence (whatever the mode of appointment and whatever his exact functions) before the secession: for in 1211 a Papal Bull (if we may trust Wood's report as to the contents of a lost Chronicle) is addressed to the Prior of Oseney, the Dean of Oxford, and 'Magister Alardus, Rector of the Schools[3].' It is probable that this Rector of the Schools must by this time have received some kind of episcopal recognition and authority; and quite possible that he may have been in popular parlance styled Chancellor in imitation of the Cathedral Chancellor of Notre Dame and other famous Schools connected with Cathedral bodies.

p. 598). It may be worth noticing that the Chancellor of Lincoln's jurisdiction was confined to the Archdeaconry of Lincoln. Linc. Reg. Dalderby, f. 214 *b*.

[1] Notice an expression in the University's letter asking for the Canonization of S. Edmund (*Collectanea*, II. p. 188): 'Ad studium Theologiæ se transtulit, in quo tam mirabiliter in brevi profecit, quod cito post paucos annos, suadentibus multis, *cathedram magistralem ascendit*.' It is likely enough that he was the first D.D. who incepted at Oxford.

[2] See above, vol. I. pp. 336, 394.

[3] The document quoted by Wood (*Fasti*, p. 6) from the lost 'Reg. Cænobii Abendon. quod in particulas dividitur, partic. 5 MS.' is a Papal Bull addressed to the Prior of Oseney, the (Rural) Dean of Oxford, and 'Master Alardus, Rector of the Schools.' It is a natural inference that this official stood in something like the position of the Chancellor (like the 'Master of the Schools' mentioned below, p. 355), but (i) 'Rector Scholarum' may mean simply a Regent Master though it is not often so used as an official designation after a name; (ii) if it were an official dignity, we should expect the addition of 'Oxoniensis' or the like. The question must, therefore, be left doubtful. Another document is cited by Wood (*ib.* p. 5) to show that a Chancellor existed in *c.* 1150, but (i) the date depends upon an uncertain identification, (ii) the document relates to one of the tithe-cases precisely similar to the one referred to the Chancellor of Oxford and others, *circa* 1221: we may therefore, with tolerable confidence ignore this piece of evidence. The document is, so far as I can ascertain, lost. Cf. below, p. 355.

CHAP. XII, § 1. But nothing further can be stated as to the character of this mysterious office until it received a definite canonical status and the higher style of Chancellorship from the Legatine Ordinance of 1214.

Vacancies in See of Lincoln.

Not unimportant in accounting for the spontaneous evolution of the Oxford Studium and its presiding official is the fact that the See of Lincoln was vacant during by far the greater portion of the period under discussion—a period beginning (it will be remembered) with Henry II's quarrel with Becket and ending with John's embroilment with the Pope and the whole ecclesiastical order throughout the realm [1]. During this time of ecclesiastical confusion we can understand how easy it would have been for the Masters to free themselves from the ecclesiastical yoke against which their brethren were beginning to rebel even at Paris. That Masters were sometimes even after this period admitted to Inception and so allowed to lecture without any regular ecclesiastical License is rendered more than probable by a Bull of Innocent IV in 1246 addressed to Bishop Grossetête from which it appears that even then—more than twenty years after the institution of the Chancellorship—certain persons presumed to ascend the magisterial chair without examination [2]. It is therefore ordered that in future none shall be allowed to teach in Oxford 'unless according to the custom of Paris he shall have been examined and approved' by the Bishop or his representative. Such a state of things is hardly explicable except as a survival of an older *régime* such as must have prevailed up to 1214.

No recognised Chancellorship before 1214.

Whether or not a 'Master of the Schools' or a so-called Chancellor existed before 1214, it is practically certain that he was not recognised by the Bishop as entitled to the latter appellation. Indeed, even after the issue of the Legatine Ordinance, it would seem that the Papal orders were not

[1] From Jan., 116⅞ to 1183 there was no Bishop or no consecrated Bishop, and there were vacancies amounting to seven years after 1184. Cf. App. XXIV.

[2] 'Ut nullum ibi docere in aliqua facultate permittas nisi qui secundum morem Parisiensem a te, vel his quibus in hac parte tuas vices commiseris, examinatus fuerit, et etiam approbatus.' Lincoln Reg. Wells, Bull 15 (Wood, I. p. 236).

immediately or permanently obeyed. It would appear that the Bishop, jealous of his authority over the Oxford Schools, delayed to appoint a Chancellor, or to recognise as such the existing Master of the Schools. At all events, a Bull addressed to the Chancellor of Oxford and two other ecclesiastics in 1221 remained unexecuted on the ground that no Chancellor of Oxford was then in existence[1]; while the famous Grossetête, when he presided over the Schools of Oxford, was only allowed to assume the older and more modest title of 'Rector of the Schools[2].'

Imitation of Parisian Chancellorship.

If in the period of scholastic anarchy the Masters had been in the habit of electing a soi-disant Chancellor, this will explain the fact that the Chancellor, though emphatically the Bishop's officer, was from the first—so far as we know—elected periodically by the Masters from their own number. However the title originated, the office is clearly an imitation of the Parisian Chancellorship. It is the Cathedral dignity reproduced in a University Town which possessed no Cathedral. And this fact is the key to the peculiar character of the Oxford Chancellorship—its almost unique combination of the functions of a continental Chancellor with those of a continental Rector. On the

[1] See the document in Appendix XXI. But in 1225 there is a prohibition to the Archdeacon, Chancellor, and Dean of Oxford who had cited the Dean of the King's Free Chapel of S. Martin's in a tithe-suit under a Papal Commission of precisely the same character. (Rot. Claus. 9 Hen. III. m. 8 *dorso*.) The Dean 'gerens vices Cancellarii Oxon.' also decides a dispute as to the tithes of Walton delegated to the Chancellor with others, in 1230. (*Registrum Malmesburiense*, ed. Brewer & Martin, II., 1880, pp. 30, 59.) The Bull had been addressed to the Rural Dean and Chancellor with the Abbot of Evesham. See also below, App. XXI. In a document in the burned Cottonian Chartulary of Oseney Grossetête speaks of 'illius qui auctoritate diocesani iurisdictionem scholarium Oxon. habuerit.' (Twyne XXII. 288.)

[2] In one of his controversies with the envoy of the University (1294 A.D.), Bishop Sutton 'adjecit quod beatus Robertus quondam Lincolniensis Episcopus qui huiusmodi officium gessit dum in universitate predicta regebat in principio creationis sue in episcopum dixit proximum predecessorem suum Episcopum Lincolniensem non permisisse quod idem Robertus vocaretur Cancellarius sed Magister Scholarum.' Lincoln Register (Sutton), f. 117. (Twyne XII. p 7.)

CHAP. XII, § 1. Functions of Chancellor same as at Paris.

one hand we find the Chancellor of Oxford entrusted with all the functions exercised by the Parisian Chancellor at the same period, before his rights had begun to be curtailed by the usurpations of the magisterial University and the Papal Bulls by which those usurpations were supported. Scholars were in England, as in France, treated as clerks and therefore entitled to trial in the ecclesiastical courts. This jurisdiction was in ordinary cases exercised by the Chancellor, though at first his jurisdiction did not exclude the occasional interference of the Bishop or even of the Archdeacon. The analogy between the Oxford and the Paris Chancellorships at the beginning of the thirteenth century —though not after that—is complete in everything but the connexion of the former with the Cathedral[1]. As an ecclesiastical judge, the Chancellor of Oxford enforces his process by excommunication and penance, suspension or deprivation of the magisterial License, suspension or deprivation of the scholastic privileges. Entrusted with a general supervision of the Schools, he issues proclamations against bearing arms, against disturbance of the peace, against the formation of conspiracies, and a variety of similar offences[2], and enforces them by threats of excommunication. In one point only does the parallel fail, and that is only one result of the fundamental difference in the conditions—the absence of a capitular body. At Oxford there was (so far as we know) no episcopal prison; at all events the Chancellor was never allowed to use it; Lincoln was a long way off; nor was there any great Church like

[1] Almost the only clear parallel is the Chancellorship of the Medical University at Montpellier, which originated at almost the same period. See above p. 119 *sq.*

[2] 'Auctoritate domini Cancellarii excommunicati sunt omnes illi solemniter qui pacem Universitatis Oxoniæ perturbaverint, *Item*, omnes qui ad hoc foedus inierint vel societatem. . . . *Item*, prohibet Cancellarius, sub pœna excommunicationis, ne aliquis ferat arma,' &c., *Mun. Acad.* p. 16. The exact date at which these proclamations were first made is uncertain but immaterial. They are clearly made by the Chancellor on his own authority, not by that of the Masters. It was just this kind of proclamation which provoked the hostility of the Masters of Paris against the Chancellor. See above, vol. I. p. 311 *sq.*

Notre Dame at Paris in whose cloister or precinct a convenient Chancellor's prison could be found. Consequently the Chancellor had to send his prisoners either to the King's prison in the Castle or to the town prison over the Bocardo gate [1]. This necessity was calculated to prepare the way for that confusion between ecclesiastical and secular jurisdiction which was such a remarkable feature of the Oxford Chancellor's position.

Originally then, it should be clearly understood, the Chancellor's authority was derived from the Bishop and from the Bishop only. Primarily the Chancellor was an officer not of the University but of the Bishop. He derived his jurisdiction over scholars from the fact that they were ecclesiastics, not from the fact that they were members of a University: his jurisdiction extended to laymen only so far as laymen were subject to the authority of the ordinary ecclesiastical Courts. Though the Chancellor was an officer specially deputed by the Bishop to superintend the Studium, the law which he administered was the ordinary Canon Law. On the other hand, though originally and constitutionally the functions of the Oxford Chancellor exactly corresponded with those of the Chancellor of Paris, yet practically even from the first his position was very different. We have seen how at Paris the Schools and the rights of the Cathedral over them were more ancient by some centuries than the University proper. At Oxford the University, instead of being an innovation, was probably in some rudimentary form coeval with the Chancellorship. Whatever degree of association existed between the Masters of Paris in the time of Jean de la Celle [2] must no doubt have been reproduced at Oxford from the days of the original Parisian settlement to which we have seen reason to trace the origin of the Studium Generale. With the Parisian Masters, and the Parisian modes of lecture and disputation, would naturally come the Parisian custom of Inception and the periodical Congregations which that

But at Oxford the Chancellor became an officer of the University.

[1] See below, pp. 392, 393.

[2] Cf. above, vol. I. pp. 293, 294.

CHAP. XII, § 1. custom implied. At Paris the Chancellor was a member of a corporation incomparably richer, more eminent, and more splendid than the new society of poor, obscure, and mostly plebeian teachers who at the end of the twelfth and the beginning of the thirteenth century began to claim a share in the admission of new Masters and the regulation of their professional conduct. At Oxford all the causes which could tend to throw the Chancellor into collision with the University were absent. The Chancellor was a member of no hostile corporation; he owed his own existence to the University. The Bishop was too far off, and his diocese too enormous, to meddle much with the details of administration.

The Chancellorship election.

And on their side the scholars had no ground for viewing with jealousy the jurisdiction of the Chancellor. If the Chancellor was not from the first elected by the Masters themselves, which there is no reason to doubt, he was at least chosen from their own ranks[1]. It is practically certain that the University proper, the Society of Masters, could, by the beginning of the thirteenth century, have had no permanent officers of its own: in all probability it continued longer than Paris in the acephalous condition from which that University emerged mainly for the purpose of resistance to the Chancellor's autocracy. Under these circumstances the Chancellor of Oxford passed naturally and insensibly into the position of the Head of the University. While the Bishop's representative thus gained a position in the magisterial guild from which the Paris

[1] Adam de Marisco in a letter to Grossetête speaks of a Master Ralph of Simplingham 'cui officium regendæ congregacionis scholarium Oxoniensium dudum comisistis,' but apparently (though the passage is not quite clear) the appointment was made 'de multitudinis assensu.' (*Monumenta Franciscana*, ed. Brewer, London, 1858, I. pp. 100–1.) The word *multitudo* is very suggestive of the rudimentary state of the Oxford 'Congregation' or Guild at this time. The letter clearly shows how completely the Chancellor was at this time the representative of and responsible to the Bishop; yet already he is identifying himself with usurpations on the part of the University of which the Bishop complains. The Chancellor is never found siding (as at Paris) with the Bishop against the Masters.

Chancellor was always jealously excluded, the University practically appropriated to itself the judicial powers of the Chancellor. The distinction between the jurisdiction which the Chancellor exercised as the representative of the Bishop and the jurisdiction which he wielded as Head of the Masters' guild was rapidly lost sight of. The Chancellor, by becoming dependent on the University, made himself practically more and more independent of the Bishop from whom he derived his authority. Hence the enormous superiority of Oxford to Paris in point of privilege and independence. To the Masters and scholars of Paris privileges were, indeed, dealt out by Pope and King with no niggard hand. But, though exempted from the jurisdiction of the ordinary tribunals, they were not placed under that of their own officers. Everything was done for the University, very little by it. When these privileges were first conferred, the University itself possessed no recognised Head, and it would hardly have occurred to any one to confer an extensive legal jurisdiction upon the ever-changing Rector of the Artists. At Oxford the original jurisdiction which the Chancellor possessed as the Bishop's representative served as a basis for further extensions by King or Pope, and the power of the Chancellor meant in the long run the power of the University. In process of time the amalgamation of authority, academic and ecclesiastical, civil and criminal, in the hands of the Chancellor of Oxford was such as has scarcely been wielded by the Head of any other University except Cambridge. All the functions which at Paris were divided between the Apostolic Conservator, the Provost of Paris, the Chancellor, the Bishop's Court, and the Rector, were united in the hands of the Oxford Chancellor, as well as a share in the government of the town for which at Paris there is no parallel at all. And here we may take occasion to observe the importance to Oxford of its position as a city which was neither a capital nor a see-town. It would have been impossible for a University which had grown up beneath the shadow of an episcopal palace to have completely shaken off the authority

Consequences of this difference.

CHAP. XII, § 1. of the Bishop: it would have been impossible for the most clerically-minded monarch to have placed a great capital in subjection to even the most dignified of academical dignitaries.

The University of Masters in rudimentary form probably dates from 1167.

In dealing with the early history of the Schools of Paris, I insisted strongly on the necessity of distinguishing between the growth of the Schools and the growth of the University. We have seen reason for presuming that at Oxford the first rudiments of University organization were introduced by the immigrants of 1167–8. It remains for us to call attention to two slight positive traces which are found—in addition to what is implied by the custom of Inception—of the existence of some such organization. Both of them occur in the already mentioned Legatine Ordinance of 1214. Among the Legate's injunctions there is the proviso that Masters who 'irreverently lectured after the recession of the Scholars' shall be suspended from the office of lecturing for three years [1]. It is therefore probable that some kind of formal Cessation or Dispersion had been decreed by the Masters immediately after the outrage: and the issue of such a decree implies a certain amount of organization or at least a habit of combination and co-operation. Moreover, half the rent of existing Halls and Schools 'as taxed by the common consent of the clerks and the burghers' was to be remitted for ten years: while in future Halls were to be taxed by a joint board of four burghers and four clerks [2]. Whether or not there had been regular

[1] 'Magistri uero, qui post recessum Scholarium irreuerenter legerunt Oxonie, suspendentur per triennium ab officio legendi ibidem.' Archives (W. P.–P.) xii. 1.

[2] 'Medietas mercedis hospitiorum omnium locandorum clericis in eadem uilla, mercedis inquam taxate communi consilio clericorum et burgensium ante recessum scolarium.' Such is the reading of the original Letters-patent of the Bishop of Tusculum preserved (seal complete) in Archives, *l. c.* The copy of the letter to the Burgesses in the Chancellor's and Sen. Proctor's Books (A. f. 46. B. f. 4: *Mun. Acad.* p. 1) —reads 'communi consilio clericorum *et nostro*' which of course cannot be right (the original of this document is missing). The 'nostro' evidently comes from the bond *of the burghers* drawn up clause by clause in accordance with the Legate's direction, of which the original (or an original draft for it) is preserved in the Archives (W. P.–P. xii. 4). The original Ordinance addressed to

Taxors before 1209 (which is the most natural inference), the Masters must at least have possessed some organisation which admitted of their negotiating with the burghers in a corporate capacity. In either case it is worthy of notice that the office of Taxor, which has only recently been abolished in the University of Cambridge, was the earliest University office at Oxford, as presumably it must have been in the Mother University of Paris. But how low a degree of organisation is implied by these indications is illustrated by the fact that while copies of the Legatine Ordinance are addressed to the burghers, to the Bishop, and to 'all the faithful of Christ,' none was sent to the Masters themselves, who were not looked upon as a corporation sufficiently definite to be capable even of receiving a letter. The process by which the University emerged out of this rudimentary condition, will be considered in the next section [1].

§ 2. THE CONSTITUTIONAL DEVELOPMENT.

Imitation of Paris.

The University of Oxford, in its primitive form, may be looked upon as an imitation, perhaps we ought rather to say an unconscious reproduction, of the Parisian Society of Masters. It will be remembered that, up to the date at which the existence of a Studium Generale at Oxford is first revealed to us, the University of Paris was what has been called a merely customary Society without officers, written Statutes or any other attributes of a recognized legal corporation. At Oxford as at Paris the bare existence of such a guild is all that we can trace till after the close of the twelfth century. The University is as yet an idea rather than an institution.

Custom before Statute.

During the thirteenth century the intercourse between Paris and Oxford was so close that every fresh development of corporate activity on the part of the Masters of Paris was more or less faithfully imitated or reproduced at

the Bishop which also reads 'burgensium' is in Archives W. P.–P. xii. 2 (seal broken).

[1] I am glad to be able to claim the adhesion of the Bp. of Peterborough to my hypothesis of a Parisian migration. (*Archaeol. Journal*, 1892, p. 272.)

CHAP. XII, § 2.

Oxford, though the process of development was modified at every step by the different position of the Oxford Chancellorship. Written Statutes, a common seal, elected officers were pretty sure sooner or later to make their appearance. But an attentive examination of the earliest documents connected with the Oxford Schools shows that for the first half century of their existence the University retained to a large extent its primitive character of a customary rather than a legal corporation. The right of the University to a common seal was disputed as late as the episcopate of Grossetête[1]. Even after the date of the earliest written Statutes we hear more of the 'customs' of the University than of its Statutes: and we do not hear anything at all of Statutes till 1252. In that year (March, 125½) we find the University enacting, or reducing to a written form[2], what has ever since remained a characteristic feature of the Oxford constitution—the requirement that no one should be admitted to the Licence in Theology who had not previously been a Regent in Arts.

First Statute, 1252.

Irish riot: oath to the peace.

To the same year belongs the settlement of a dispute between the Northern and the Irish scholars[3]: for there

[1] Adam de Marisco thus writes to the Bishop to apologize for the Chancellor: 'Signo illo quod dicitur universitatis Oxoniæ, quo in simplicitate sua *sicut et plures antecessorum suorum* usus est, de cætero si jusseritis nequaquam usurus, et ad nutum beneplaciti vestri suo cedet officio.' *Mon. Francis.*, ed. Brewer, I. pp. 100–1.

[2] *Mun. Acad.* p. 25; *Mon. Francis.*, I. pp. 346–348. Notice the expression 'Statuit .. et. si statutum fuerit, iterato consensu corroborat,' (*l. c.*), as showing the uncertainty and informality of any earlier resolutions of the University.

[3] *Mun. Acad.* p. 20 *sq.* A similar agreement was made in 1267 by twenty-four of each side after exchanging the kiss of peace. Five persons were to be elected from each northern county, who in turn were to elect 'tres capitaneos,' each Irish province likewise to elect twenty-four, who were to name one Captain: all disputes were to be settled by the four Captains; if they could not agree they were to appeal to *arbitri*, and only in the last resort to the Chancellor or 'Hebdomadarii' (see below p. 437): 'et dicte communitates ad penam triginta librarum se obligauerunt quod communitas hinc inde manu armata non insurget in aliam et quod communitas alterutra vim inferens armatam, si super hoc fuerit conuicta, ad dicte pecunie solucionem alteri communitati nomine dampnorum et interesse quacunque cohercione per Cancellarium compellatur' [Archives, W. P.—I. 13 *a*. Most of the 24 seals remain; it is noticeable that several of them are

was an Irish question even then. The document reads like a treaty of peace between hostile nations rather than an act of University legislation. Twelve arbitrators were chosen on each side, and thirty or forty 'rich men whether Regents or otherwise' were sworn to observe the conditions of peace and to denounce any violation of them to the Chancellor. At the same time it was provided that a similar oath should in future be taken 'by Inceptors in whatsoever Faculty together with the accustomed oath,' as well as by nobles. The punishment denounced in the event of refusal is 'withdrawal of the fellowship of the Masters.' It is noteworthy that in these early enactments no special appeal is made to the authority of the Chancellor so long as the penalty is one which the University itself had the power to inflict[1]. Even formal Statutes run in the name of the University only, nor are they even entrusted to the Chancellor for execution. Whether the Chancellor was or was not actually present, whether or not he in any sense 'presided' at the earliest Congregations, it is impossible to pronounce with certainty. Moreover, the above-mentioned agreements or treaties of peace appear to be made at general mass-

impressed from ancient gems; the Chancellor's consent is also preserved (*ib.* I. 13 *b*), the Chancellor's seal being a man holding, not (as Wood says) either a crucifix or a rosary, but a chained book.] Another agreement of the same kind was made in Lent 1274, 'inter Australes, Marchiones, Hybernienses et Walenses ex una parte et Boreales et Scotos ex altera' (Archives, W. P.—I. 12). 'Omnes et singuli de Universitate tam maiores quam minores' swore to observe it, and 'ad mandatum Cancellarii insurgent' against perturbers of the peace. Persons suspected of violence were to be required to give security 'per pignora aut per clericos beneficiatos,' or be expelled, and all swore to assist the Chancellor in forcibly carrying out this sentence. The agreement was made 'de pleno consensu omnium magistrorum regencium et non regencium dominorum et bachelariorum maiorum et minorum Vniversitatis.' One of the Masters mentioned was John of London, the mathematician praised by Roger Bacon (below p. 526).

[1] 'Alioquin Magistrorum et Scholarium eis societas subtrahatur' (*Mun. Acad.*, p. 22). So in the Statute about theological degrees: 'Ipso facto a societate Magistrorum et privilegiis Universitatis privatus existat' (above, p. 362). We learn from Adam de Marisco (*Mon. Francisc.*, I. p. 346) that the Chancellor assented to this last Statute but the Statute is actually enacted by the University: 'Statuit Universitas Oxoniensis' (*Mun. Acad.* p. 25).

CHAP. XII, § 2.

meetings of the whole University, including students (or at least Bachelors) as well as Masters. Indeed, for a time we almost seem to trace a democratic organization of Masters and scholars (after the fashion of Orleans or Angers) existing side by side with the strictly magisterial University—an organization which in 1267 (and possibly earlier) even elected four Captains for the preservation of the peace[1]. However, this democratic University (if such it can be called) may have been little more than a temporary expedient: in any case it never seems to have taken upon itself any functions except the preservation of the peace and the support, by armed force if necessary, of the Chancellor's authority, and was gradually superseded by the more regular guild of Masters.

Position of the Chancellor.

A strictly magisterial Statute of about the same period against dancing or other riotous celebrations in Churches upon the Festivals of the patron Saint of a 'nation' or diocese, shows with great clearness the purpose for which the co-operation of the Chancellor was originally sought, and indeed the origin of his position as President of the University as well as the Bishop's representative in the Studium. The 'Decree and Statute' is issued 'by the authority of the Chancellor and Masters Regent with the unanimous consent of the Non-Regents[2].' The Masters conclude by enjoining its observance 'by the authority of the Chancellor' under pain of imprisonment and the greater excommunication[3]. If the Chancellor did not from the first preside in the University Congregations, the convenience of obtaining the sanctions of excommunication and imprisonment for the decrees of the University proper made it expedient to obtain his approval for its acts. It soon became usual (if it was not from the first) for the Chancellor to be present whenever a Congregation of all Faculties was

[1] See above, p. 362, n. 3. These were, however, apparently taken exclusively from the Northerners and Irish.

[2] 'Auctoritate domini Cancellarii et Magistrorum regentium, cum unanimi consensu Non-regentium, decretum est et statutum,' &c. (*Mun. Acad.* p. 18).

[3] 'Hoc etiam decretum auctoritate ejusdem Cancellarii, sub pœna majoris excommunicationis, præcipimus observari . . . et incarcerationis diutine' (*ib.*).

to be celebrated. Indeed, since he was himself a Doctor of Theology, or some other superior Faculty, as well as Chancellor, he would necessarily attend all such meetings; and, at a time when the University itself had no permanent officers of its own (unless the Taxors are regarded in that light), it was natural that he should more or less occupy the position of President at any Assembly in which he appeared.

The Proctors are the original University Executive.

And yet there remained, and remain to this day, in our academical constitution clear indications of the fact that the Chancellor was originally an extra-University official, and was not the proper executive of the Masters' guild. It was the Proctors, not the Chancellor, who in 1252 were empowered to demand the oath for the conservation of the peace. It is to the Proctors a few years later that the execution of the sentence of suspension denounced for violation of the Statutes is entrusted[1]. In certain cases at all events it is the Proctors who summon Congregation. To this day it is the Proctors who administer all oaths and declarations, who in the Regent Congregation submit graces to the House and in all Congregations count the votes and announce the decision[2]. In these and in other ways we from the first find the Proctors jointly performing many of the functions naturally incident to the presidency of an Assembly or the executive of a Society and as such discharged at Paris by the Rector. The fact is the more

[1] *Mun. Acad.* pp. 22, 30: 'Faciant Procuratores congregationem fieri.'

[2] Note that in the early Statutes the Chancellor's presence is not expressly mentioned except where Non-regents were summoned as well as Regents. It is not impossible that at first the Proctors presided over Congregations of Regents in all Faculties as they undoubtedly did over Congregations of Regents in Arts. Even in the Fifteenth Century Register (Archives, Aa) we find that in a Regent Congregation the graces are 'pronounced' (i. e. declared carried) by a Proctor, while in the Great Congregation (i. e. of Regents and Non-regents) the Chancellor performs that function. In our modern 'Convocation' and 'Congregation of the University of Oxford' the question is put by the Chancellor, but the decision is announced by the Senior Proctor: but in the 'Ancient House of Congregation,' the graces are still put to the House, as well as 'pronounced,' by the Senior Proctor. See Appendix XXXIII on the modern constitution of the University.

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remarkable since the Oxford Proctors, like the Parisian Rector of the thirteenth century, always remained primarily the officers of the Regents in Arts, not of the whole University. At Paris the University was obliged to employ the Rector as its executive because it had no proper executive of its own. At Oxford, though the Chancellor early became, if he was not from the first, the acknowledged Head of the University, he is still so far felt to be above and outside the teaching corporation that many of the functions which would naturally attach to such a position, devolve upon the more democratic Proctors. In the documents which mention the consent of the Chancellor, he appears rather as an external authority whose approval might in certain cases be necessary to give effect to the decisions of the University than as an essential element in the University itself. The Masters are bound by oath or solemn promise to obey both Chancellor and University[1]; each authority is supreme in its own sphere. The Statutes assume at times the form of treaties between two independent contracting parties[2]. This state of things could not or at all events did not last long: the two authorities were fused into one: and the developed Oxford constitution is the result of the fusion. The Chancellor loses his independent position and becomes the presiding Head of the University. The University submits to the presidency of the Bishop's officer, but at the same time, by as it were absorbing the Chancellorship into itself, is able to arrogate to itself all the powers of that office. Some of the anomalies which resulted from such a fusion shall be traced hereafter[3].

The Chancellor absorbed into the University.

[1] 'In fide qua teneris Domino et Universitati' (*Mun. Acad.* p. 30). 'Dominus' might conceivably mean the Bishop.

[2] So in 1257 (the Statute prescribing the form for denouncing a Master suspended), 'In hanc formam consentiunt Cancellarius et Universitas Magistrorum regentium Oxoniæ.' (*Mun. Acad.* p. 30.) His consent is here necessary, since a suspension of a Regent from lecturing involved a temporary withdrawal of the Chancellor's Licence. Notice that in this Statute the usual purpose of Congregations is to celebrate (1) Inceptions, (2) Funerals. It was the same at Paris, above, vol. I. pp. 300–1.

[3] It is impossible to say to what extent in the early days of the University the Chancellor would

Two years after the date of the earliest extant Statute, the University of Oxford, at about the same time as the mother University of Paris, received the confirmation of all its 'immunities, liberties, and laudable, ancient and rational customs, and approved and honest constitutions' from Innocent IV. It is worthy of notice, as showing that the Chancellor is still hardly regarded as an integral part of the University, that the Bull is addressed not to the Chancellor and University but (after the manner of Bulls addressed to the Masters of Paris) simply to the 'Masters and scholars sojourning at Oxford in the diocese of Lincoln[1].' At the same time the University obtained for its members a privilege against being summoned by Papal delegates to answer outside Oxford in respect of contracts made within it[2].

Papal confirmation of Statutes 1254.

Though by placing itself virtually under the presidency of the Chancellor, the University of Oxford as a whole acquired a Head earlier than Paris, separate meetings of the Faculty of Arts were essential, if it was only for the celebration of the all-important Inceptions. The example of the Parisian Masters of Arts in dividing themselves into Nations and placing elective officers at their head was early imitated at Oxford. It is somewhat tempting, indeed, to conjecture that at one time the mystic number four, which had spread from Bologna to Paris in the first or second decade of the century, was reproduced at Oxford

The Nations.

have claimed the right of vetoing a Statute in the name of the Bishop, who certainly asserted a very paternal control over the University (see below, p. 419). In the later constitution of the University there is no trace of such a veto, which however the Chancellor or Vice-Chancellor obtained by the Laudian Statutes and still possesses.

[1] *Mun. Acad.* p. 26. The reader of Wood should be warned that the Bull of Alexander IV, maintaining the jurisdiction of the Bishop over the 'Universitas clericorum castri Oxon.' referred to by Wood, I. p. 250, has nothing to do with the University, but refers to the clergy of the Churches within the Castle precinct. It is given *in extenso* in Twyne MSS. II. f. 19, and again in VII. p. 345, where it is mistakenly referred to the year 1209.

[2] Bliss, *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*, I. (London, 1893), p. 306. The grant was for five years only—a fact which no doubt accounts for its disappearance from our Muniments and Statute-books.

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also. At all events in 1228 (a few years after the first appearance of Proctors at Paris), we read that a dissension broke out between the scholars and the townsfolk, and that an agreement was made that in future all such disputes should be composed by 'arbitration of the four Masters who should then be the chief'[1]. This seems to point to four Nations, even if the four Masters were rather 'Captains' or 'arbitrators' of the type appointed to preserve the peace in 1267 than a reproduction of the Parisian Proctorate. For four Nations, however, the composition of the magisterial body at Oxford hardly supplied the materials. If a few French Masters came over from Paris in consequence of some faction-fight or 'cessation' at Paris, the great majority were no doubt of British or even English birth[2]. Though Irish scholars were numerous and troublesome, Irish Masters were few, and the same was probably the case with the Welsh[3]. Among Englishmen there was only one marked racial or geographical distinction—the distinction between the English north of the Trent and the English south of the Trent. Hence, instead of the four Nations of Paris, we find at Oxford only two—the *Boreales* and the *Australes*. Scotchmen—probably at this time only Lowlanders would be likely to find their way to Oxford—were included among the Northerners, Welshmen and Irishmen among the Southerners. The Northern and Southern Masters of Arts were presided over by their respective Proctors[4]. The two Proctors are first heard of in

Two Proctors

[1] 'Arbitrio quatuor magistrorum qui tunc essent precipui,' *Ann. de Dunstaplia* (ed. Luard), in *Ann. Monast.* III. p. 110. So too *four* Taxors are appointed in 1209 (*Mun. Acad.* p. 2); and it is significant that when there were undoubtedly only two Nations, the Taxors were also two only. It is conceivable that these four Masters may have been the Taxors themselves; but whether called Proctors, or Taxors, or Captains, there would probably be little difference between these officers and the primitive Proctors appointed 'ad iniurias ulciscendas' at Paris (see above, vol. I. p. 316), except that, if we suppose the Captains to be meant, the students joined in their election. But cf. above, p. 346.

[2] Many foreign Friars were sent to study in Oxford (Little, p 66, *et passim*). In 1369, however, Edward III ordered the expulsion of all foreign scholars (Wood, I. p. 485).

[3] *Mun. Acad.* p. 23.

[4] Chosen by a process of indirect election, like the Rectors of Bologna and Paris. *Mun. Acad.* p. 81.

1248, when they appeared before Henry III at Woodstock to prefer the complaints of the University against the misdoings of the Jews and the Burghers. In the Charter which they succeeded in obtaining for the University they are granted, in conjunction with the Chancellor, the right of being present at the assize of bread and beer[1]. first mentioned in 1248.

Whether the Nations at Oxford were originally four or two, it is pretty certain that they were originally more distinct than they afterwards became, and it is probable that in the earliest Congregations the votes were taken by Nations. For in 1274 the articles of peace drawn up after one of the great faction-fights between North and South[2] solemnly provide that in future the two bodies of Northerners and Southerners should be amalgamated into a single Nation: and from this time, though one Proctor was always an *Australis* and one a *Borealis*, the term 'Nation' ceases to be used, and the Faculty of Arts votes as a single body[3]. The early extinction of Nations in the English Universities is a symbol of that complete national unity which England was the first of European kingdoms to attain. Abolition of Nations.

It will be remembered that in the chapter on Paris the origin of the Nations and their Proctors was traced back to the four Universities of Bologna and their Rectors. It is interesting to observe that, though at Paris the four Rectors (if indeed that title was ever applied to the four Heads of Nations) rapidly disappeared and were Rectors or Proctors.

[1] 'Presentibus apud Woodstocke tam procuratoribus scolarium universitatis quam Burgensibus Oxon.' Rot. Claus. 33 Hen. III, m. 15 *dorso*: Archives, W.P.—E. n. 2 (*Mun. Acad.* p. 777 *sq.*).

[2] See the 'Solennis Concordia inter Australes, Marchiones, Hybernienses et Walenses ex una parte et Boreales et Scotos ex altera' (quoted above, p. 363).

[3] 'Proviso insuper quod de cetero partes non fiant seu nominentur in universitate, set unum sit collegium et unum corpus; aliis nihilominus obligationibus penalibus per universitatem prius ordinatis in suo robore duraturis.' The last clause seems to imply that the previous Statutes had been carried by the consent of distinct Nations. Cf. *Mun. Acad.* p. 92 (Statute of 1313): 'Cum separatio nationum Australium et Borealium, *cum nationes diversæ non sint*, tam clericis quam laicis sit summo opere detestanda,' &c.

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superseded by one Rector and four Proctors, at Oxford the Proctors on one of their earliest appearances in history are styled 'Rectors' instead of Proctors[1]. At Oxford the title Rector is rarely used afterwards. At Cambridge both titles continued in use throughout the medieval period. This alternative use of titles which at Paris denoted separate offices may be accounted for in one of two ways. It is certain that the Heads of the Nations appeared at Paris earlier than the common Rector of the Artists; it is possible that they were once called indifferently Rectors or Proctors, and there are slight independent reasons for believing that such was the case[2]. In that case the national Rectorships or Proctorships may have been reproduced at Oxford before the institution of the single Rectorship at Paris[3]. On the other hand it is a significant fact that these Oxford Rectors or Proctors are first heard of at a time when we know that there was a schism in the Faculty of Arts at Paris, three of the Nations having elected one Rector in opposition to the Rector of the French Nation alone. It is quite conceivable that our Oxford Proctorships may represent the perpetuation of this anomalous, but then by no means unusual, state of schism in the Mother University[4].

No single Rector.

The constitution of Oxford may be said to represent an arrested development of the Parisian constitution modified by the totally different relation of the Chancellor to the Masters. It is the Parisian constitution transplanted to Oxford after the establishment of the Nations and

[1] Adam de Marisco says that the Statute requiring Theologians to be M.A. (see above, p. 362 and below, p. 378) was subscribed by the Regents of the superior Faculties (note how the practice of the superior Doctors subscribing individually is copied from Paris, see above, vol. I. p. 329) and by 'duo rectores pro artistis.' *Mon. Francisc.* I. p. 347. The Proctors are styled 'Rectores' as late as 1377 in the contemporary *Chronicon Angliæ* (ed. Thompson, London, 1874), p. 173.

[2] See above, vol. I. p. 314.

[3] i.e. before 1237 or 1244.

[4] See Bulæus, III, p. 222; *Chartul. Univ. Paris*, I. pt. i. No. 187. As late as 1266, certain arbitrators appointed to adjust a schism of this character at Paris provide that one or more Nations shall be authorized for just cause to separate from the rest and elect a separate Rector. *Chartul. Univ. Paris*, I. No. 409.

national officers, but before the final establishment of the single common Rectorship and before the organization of the superior Faculties into distinct Colleges or corporations with officers, statutes, and seals of their own. At Oxford the need of a distinct Head of the University was never felt, because the Chancellor, here on friendly terms with the University, served the turn. The need of a common Head of the Faculty of Arts was unfelt, because there were only two Nations, and those less sharply divided either by nationality or organization [1] than the Nations of Paris. There were (at least after the peace of 1274) no separate meetings of the Australes and Boreales: in the separate Congregations of the Artists the Senior Proctor presided [2].

Prerogative of Faculty of Arts.

We have seen how at Paris the University proper was for a time almost supplanted by the Nations. The Faculty of Arts habitually took the initiative in University business, the Doctors of the superior Faculties being merely called in to confirm the resolutions already arrived at by the great National Assemblies. At Oxford the predominance of the Faculty of Arts was still more conspicuous than at Paris [3]. At Paris the general predominance of that Faculty and in particular its exclusive initiative in University business was, as we have seen, eventually broken down by the growth of the Faculties into organized bodies governed by officials, statutes, and

[1] The reader will remember that it was the necessity of joint resistance to the Chancellor that led to the formation of the four National seals which necessitated the separate Congregations. See above, vol. I. p. 305 *sq.*

[2] *Mun. Acad.* p. 481.

[3] Father Denifle (I. p. 78) remarks that the assertion 'universitatem (i. e. Parisiensem) fundatam esse in artibus' was never made in the medieval period. But see a doc. of 1387 in *Chartul.* T. III. No. 1537: while at Oxford we find the Faculty of Arts in 1339 boasting that it is 'fons et origo cæteris' (*Mun. Acad.* p. 142). It is quite possible that this statement is historically true, i. e. that the migration of 1167–8 consisted entirely of Masters of Arts. At the end of the twelfth century there was, indeed, clearly a great deal of law-teaching at Oxford (for the evidence, see above, p. 338, n. 2, and below, p. 375, n. 1). But, as has been suggested (above, p. 353, n. 1), S. Edmund may probably have been the first Theologian to incept at Oxford.

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Congregations of their own. At Oxford the superior Faculties never acquired a separate existence of this kind; no Deans of Faculties appear upon the scene. The initiative of the Faculty of Arts remained a permanent principle of the University constitution, and even passed into a claim to an actual veto upon the proceedings of the University. Every Statute had to be promulgated in the Congregations of Regent Masters of Arts summoned and presided over by the Proctors at S. Mildred's[1] before it could be submitted to the whole University at S. Mary's. The claim of the Faculty—at least when unanimous[2]—to prevent the further progress of a Statute negatived in this 'previous Congregation' is frequently asserted in the Proctors' books, but never in the register kept by the Chancellor[3]. The superior Faculties admitted the right of the Faculty of Arts to a separate and previous deliberation, but not the right to bar the further progress of a Statute. An attempt, however, to give the force of Statute to the contrary opinion in 1357 failed[4], and this important question of constitutional principle remained undecided till the fifteenth century, when the Faculty of Arts seem to have claimed an absolute negative only in the granting of graces[5], i.e. dispensations from some of the conditions necessary for taking a degree.

Origin of Proctorial Veto.

It may be added that the mere necessity of a promulgation in the 'previous Congregation' of Artists gave a practical veto to the Proctors (by whom alone that

[1] A Church which formerly stood to the north of the site of Lincoln (Wood, *City* (ed. Clark), II. p. 94). It was also used for the Vespers of Artists. *Mun. Acad.* p. 408.

[2] 'Nihil expeditum penitus habeatur facultate artium *integre* reclamante.' *Mun. Acad.* p. 429 (where B. and C. read 'penitus'). Cf. the '*penitus* non reclamante' of p. 483.

[3] *Mun. Acad.* pp. 117, 331, 429, 481-3. Of this last Statute there is a late copy in the Chancellor's book.

[4] *Mun. Acad.* pp. 188-9. This declaration was passed by a majority consisting of three Faculties, i.e. the Non-regents, Civilians, and Theologians; but as the Faculty of Arts opposed, they would of course not recognize the authority of the Statute, though the Chancellor pronounced it carried. See below, p. 375.

[5] In 1440, *Mun. Acad.* p. 331. This purports to be a Statute of the Regents and Non-regents, but is found only in the Proctors' books.

Faculty could be summoned), at least when agreed. In 1344 a Statute was passed enabling one Proctor, with the consent of the Chancellor, to promulgate a Statute[1]; but the two Proctors united could still oppose a barrier to any proposed legislation. The Proctorial veto, which was embodied in the Laudian Statutes and still survives, may no doubt be traced back to this ancient supremacy of the Faculty of Arts[2].

The Proctors are the Executive of the whole University.

A further consequence of this predominance was that the Proctors, being the only representative officers of the magisterial body, acted as the executive of the whole University, just as it was left to the Parisian Rector, originally the Head of the Artists only, to execute the decrees of the whole University at a time before his actual 'Headship' was admitted by the superior Faculties. At Oxford the rise of the Proctors to the Headship of the University was barred by the established position of the Chancellor; but from the first the Proctors are officers of the University as well as of the Faculty of Arts. To this day the Proctors are the Assessors of the Vice-Chancellor in most of his public acts.

The Non-regents.

A peculiarity of the Oxford constitution was the important position occupied by the Non-regents. At a very early date we find the presence of the Non-regents essential to all permanent Statutes and other important acts of the University. When they attended, they gave a collective vote like a distinct Faculty. Elections and all merely administrative business remained, as at Paris, in the hands of the Regents.

Three Congregations.

There were thus at Oxford three distinct Congregations:—

(1) Black or Previous.

(1) The Congregation of the Regents in Arts commonly

[1] *Mun. Acad.* p. 146.

[2] The only other trace of a direct Proctorial veto which I have come across in the Middle Ages is in 1461, when a great disturbance took place because the Commissary adjourned a Congregation of Regents 'utroque procuratore reclamante' (Aa. f. 121 *a*). It thus appears that the consent at least of one Proctor was necessary to the adjournment of a Lesser Congregation.

CHAP. XII, § 2. called the Black Congregation. Besides the celebration of Inceptions in Arts and the election of Proctors, this Congregation met at S. Mildred's Church for the preliminary discussion of proposed Statutes. When assembled for this purpose, it was often called the 'Previous Congregation [1].'

(2) Lesser or Regent. (2) The Congregation of Regents (of all Faculties) or 'Lesser Congregation' (*Congregatio minor*) met at S. Mary's. To this Congregation belonged, in all ordinary cases, the grant of leases, the ordinary finance of the University, and the control of all matters relating to lectures, studies, and degrees, especially the grant of dispensatory graces where not specially reserved by Statute to the Great Congregation. This power grew in course of time (as we shall see) into the power of conferring the degree itself. From the completion of the Congregation-house in about 1327, the Regent Congregation met in that building. It is a detached Chapel standing on the North side of the Choir of S. Mary's Church [2].

(3) Full or Great. (3) The Congregation of Regents and Non-Regents, commonly called the Full or Great Congregation (*Congregatio plena* or *magna*), was the supreme governing body of the University and was alone competent to make a permanent Statute [3]. It met in the Choir of S. Mary's. In the

[1] At the Previous Congregation Non-Regents in Arts at times appear (*Mun. Acad.* p. 188), but not always (*ib.* p. 481). It was probably at the discretion of the Proctors to summon them or not.

[2] This building was begun in 1320 by Adam de Brome, Rector of S. Mary's and Founder of Oriel College, at the expense of Thomas de Cobham, Bishop of Worcester, a room above it being appropriated to the Library left to the University by that prelate. It was left not quite completed on the death of the Bishop in 1327. See the document in *Collectanea*, II. p. 62 *sq.*, which recounts the violent dispute between Oriel College (as Rectors of the Church) and the University for the possession of the Library, which lasted till 1409, when the Oriel Archbishop Arundel compensated the College for its claim. (Rot. Pat. 11 Hen. IV, p. 2. m. 22.) The Chaplain of the University served as Librarian (*Mun. Acad.* p. 227). It may be noted that this Congregation-house is the only part of S. Mary's Church (it is really, however, a separate building) over which the University has the smallest right of property or control. The Church is merely *lent* for University sermons.

[3] The term 'Convocatio' is rarely used in the Middle Ages: where it occurs, it is a synonym of 'Congregatio.' In the sixteenth century 'Convocatio' was gradually appro-

Great Congregation the voting was by Faculties: and there is no reason to doubt that here as at Paris the principle which obtained throughout the thirteenth century was that a Statute required the consent of all four Faculties[1] with the addition, in the case of Oxford, of the Non-regents[2].

priated to the Great Congregation, 'Congregatio' to the Lesser Congregation. The Black Congregation was by this time practically obsolete.

[1] Civil and Canon Law are sometimes spoken of as two Faculties, and generally appoint two representatives upon University delegacies (Divinity and Medicine appointing one each and Arts four), but on a division they appear at times to vote as one (see below, p. 382, but cf. p. 387). I may add that Denifle (I. p. 250) is disposed to underrate the importance of the Oxford School of Civil Law. The complaints of Roger Bacon (*Op. Majus*, p. 446) against the Civilians cannot refer exclusively to those who studied abroad. So in 124½ Henry III obtained the opinion of the 'Magistros Oxonie in Jure legentes' in favour of his appeal against Ralegh, Bishop of Norwich, elected to the See of Winchester. (Rot. Pat. 28 Henry III, m. 10 *dorso*; Twyne MSS. II. f. 38 *a*; cf. too *Mon. Francisc.* I. p. 113 where is also an allusion to an Oxford 'Medicus).' William of Drogheda, who taught at Oxford in the thirteenth century, was a Civilian of considerable importance, quoted even by the Bologna Doctors. (See Bethmann-Hollweg, *Der Civilprocess des gemeinen Rechts*, VI., Bonn, 1874, pp. 123, 124: Albericus Gentilis, *Laudes Academiæ Perusinæ et Oxoniensis*, Hanoviæ, 1605, p. 38). He wrote his *Summa Aurea* at Oxford. (Caius Coll. Camb. MS. No. 54. See also below, p. 474, n. 4). It is true of course that in England Civil Law was studied chiefly for use in the Ecclesiastical Courts (and the Admiralty Court), but Bacon complains that the ecclesiastical lawyers cared more for the Civil Law than for the Canon. The number of Medical Doctors at Oxford was always small: the only one of much fame was John Gaddesden of Merton, author of the *Rosa Anglica* or *Practica medicinæ a capite ad pedes*, who wrote 1305-1317. See Haeser, *Lehrbuch*, I. p. 712.

[2] Their position seems established by 1280: 'Magistri non-regentes in partem se trahentes per se, ac omnes Magistri regentes per se' (*Mun. Acad.* p. 41; cf. p. 43). The enactments of the Regents only are never called *Statuta*, but *Ordinationes*. In a form of Statute imposed upon the University by a Royal Commission in 1376, we find 'quibuscunque ordinationibus magistrorum regentium, vel statutis magistrorum regentium et non-regentium.' Rot. Pat. 50 Ed. III. pt. i. m. 10 (Hare, *Mem.* f. 72). The Regents must not be confounded (as is done by a learned writer) with 'the Masters of less than two years' standing,' who are the 'necessario regentes.' Though a new M.A. was obliged to lecture for one year (the period of necessary Regency has since been extended to two years), he could continue to teach, and therefore to enjoy the rights of Regency as long as he pleased. It is only since the Regents ceased to lecture that M.A.'s of two years' standing (with the Deans of Colleges, the Doctors, and a few officials) became the only Regents.

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Constitutional changes in fourteenth century.

The beginning of the fourteenth century introduces us to a great constitutional crisis in the history of the University. Here as at Paris the constitutional development of the University is intimately bound up with a struggle against the intrusion of the Mendicant Friars. About the year 1303 a Statute was passed which distinctly affirmed the principle that a majority of the Faculties (the Non-regents being reckoned as one) could bind the whole University. To understand the circumstances which provoked this constitutional revolution, a glance at the history of the Oxford Mendicants is indispensable.

Establishment of the Mendicant Orders in Oxford.

Impelled by a vague desire to establish a hold upon the thought of the age as well as by the more definite purpose of gaining converts for their Orders[1], the Friars everywhere seized upon the University towns as the basis of their operations. We have seen the storm which followed upon their advent at Paris. At Oxford the Dominicans made their appearance in 1221, soon after their first landing in England[2]. They established themselves in the heart of the Jewry, where the Church of S. Edward was made over to them by the Countess of Oxford and the Bishop of Carlisle. Though the conversion of the Jews was a prominent part of their work, they early connected themselves with the University by opening a School in which Theology was taught by a 'converted' Doctor of Divinity, Robert Bacon. The Franciscans followed in 1224[3], and settled near S. Ebbe's Church, from which, however, they soon removed to a marshy strip of ground outside the town wall, where the Order was joined by many students of noble birth[4]. In 1245 the Dominicans likewise moved to a suburb, and established

[1] Jordan of Saxony, the third Dominican General, as he wanders from one University to another, recounts the number of his 'captures.' Thus at Oxford in 1229 he writes, 'Apud studium Oxoniense spem bonæ capturæ Dominus nobis dedit.' *Lettres*, ed. Bayonne, p. 126.

[2] Trivet, *Annales*, ed. Hog, p. 209. For details as to the establishment of this and other Orders in Oxford, see Wood, *City*, II. p. 312 *sq.*, and Little, *Grey Friars in Oxford*.

[3] *Mon. Francisc.* I. p. 9. Cf. *ib.* p. 633.

[4] *Mon. Francisc.* I. p. 15; Little, *Grey Friars*, pp. 1 *sq.*, 295 *sq.*

themselves on a spot still known as Black Friars Road, upon what was then an island formed by the Trillmill stream and the Thames, between Folly Bridge and Oseney[1]. In 1256 the Carmelites acquired a house on the west of Stockwell (now Worcester) Street in the northern suburb, where they remained till 1317, when Edward II, in fulfilment of a vow made at Bannockburn, granted them his Palace in Beaumont Fields, the site of which is still commemorated by the name of the neighbouring 'Friar's Entry[2].' In 1268 the fourth great Mendicant Order, the Augustinians, are found obtaining from the King a piece of ground for a convent in Holywell—on the site now occupied by Wadham[3]. The Friars of the Sack established themselves near the Castle in 1262[4]: the Trinitarians obtained a house outside the East Gate in 1291[5]: and the Crutched Friars are heard of in the following century[6]. But the houses of these last Orders played no considerable part in the history of the University.

Harmony between Friars and University.

Both at Paris and at Oxford, in the first flush of their reputation for sanctity and asceticism, the Friars were well received by the University, though often annoyed by the opposition of the higher ecclesiastics. At Paris the new comers very quickly outlived their welcome. At Oxford the harmony between Regular and Secular was of much longer duration. Even the Dominicans forgot to quarrel: while the more humble-minded Franciscans employed secular Doctors of Divinity to lecture for them in their conventual School. The illustrious Grossetête was the first of the Franciscan Lectors and showed himself throughout

[1] *Ann. Monast.* (Oseney), IV. pp. 94–98.

[2] Dugdale, *Monasticon*, VI. p. 1575: documents in Wood, *City*, II. p. 415 *sq.*; Linc. Reg., Dalderby, f. 388 (Twyne, II. p. 4 *b*); *Chronicles of Edward I and II*, ed. Stubbs, vol. II. (1883), p. 300; cf. Ogle, Nos. xiv, xv, xxi.

[3] Documents in Dugdale, VI. p. 1596, and Wood, *City*, II. p. 447 *sq.*

[4] Dugdale, VI. p. 1608; Wood, *City*, II. p. 473. The Order was suppressed in England in 1307.

[5] Wood, *City*, II. p. 478. In the Lincoln Register, Dalderby, f. 308 (Twyne, II. f. 30), is the approval of a chantry for them in 1315, with the Royal Licence of 1304.

[6] Dugdale, VI. p. 1586; Wood, *City*, II. p. 478.

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his life a warm friend and patron of the Order[1]. Oxford was indeed just touched by the storm which rent the University of Paris in sunder for so many years. In 125½, a few weeks after the passing of the first Statute against the Friars at Paris[2], we find a Statute passed at Oxford[3] with the same general intention of setting a limit to the multiplication of Friar Doctors and of securing the control of the University over regular graduates. Like the Parisian Statute it requires an Inceptor in Theology to have previously lectured as a Bachelor[4]. The further objects of the Parisian Statute are secured in another way. Instead of setting a fixed limit to the number of Friar Doctors it merely forbids the graduation in Theology of men who have not previously been Masters of Arts[5]. This would at the same time secure that the candidates should already have taken the promise or oath of obedience to the Statutes[6], which, it will be remembered, was the great bone of contention at Paris. In one respect, indeed, the objects of the two Statutes were different. The Paris Statute was enacted by the Theological Faculty and was designed to protect the secular Theologians from the competition of their

Statute of 125½ requiring Graduation in Arts.

[1] *Mon. Francisc.* I. p. 37. Subsequent Lectores till about the end of the century were either (1) Doctors who had incepted as Seculars or at Paris, or (2) Franciscan *Bachelors*. *Mon. Francisc.* I. pp. 38, 39, 550. This accounts for the dispute with the University being postponed so long.

[2] Bulæus, III. p. 245; *Chartul. Univ. Paris*, I. pt. i. No. 200. See above, I. p. 373. The Paris Statute was passed in Feb. 125½, the Oxford Statute was carried on the 9th of the following March (*Mon. Francisc.* I. p. 346), and was probably suggested by the news from Paris.

[3] *Mun. Acad.* p. 25.

[4] 'Nisi legerit aliquem librum de canone Bibliæ vel librum Sententiarum vel Historiarum.' By the 'Historiæ' is meant the 'Historia Scholastica' of Petrus Comestor.

[5] 'Nisi prius rexerit in artibus in aliqua Universitate.' The Statute is similarly quoted in the Friars' pleadings in 1313 (*Collectanea*, II. p. 225), but in their Act of Appeal it runs 'nisi prius in arte dialectica gradum seu statum Magistri *uel saltem bacullarii* habuisset.' *Ib.* p. 239.

[6] Even if the oath was not yet required upon Inception in Theology, as it undoubtedly was later (*Mun. Acad.* p. 374). We have no doubt a relic of this conflict with the Friars in the provision that an Inceptor in any other Faculty is merely required *dare fidem*, while a Master of Theology is required *jurare* 'ponendo manum ad pectus' (*l. c.* Cf. p. 421).

Mendicant rivals. At Oxford there is less trace of dislike for the Mendicants as such[1]. The Oxford Statute was passed by the University itself, and was inspired by the jealousy of the Faculty of Arts for its own authority and for the studies of which it was the guardian. The Statute would not touch men who had entered a religious Order after completing their Regency in Arts. But the Friars, though they professed to give their novices a philosophical training in their own Schools[2], considered it inconsistent with their principles to allow graduation in secular branches of learning. To the mind of the secular academic the study of Philosophy was an essential preliminary to that of Theology: even when he applied himself to the study of Theology, he was disposed to attach more importance to the Sentences than to the Bible, and to apply to the doctrine of the Holy Trinity or to the psychology of Angelical beings the philosophical distinctions in which he had revelled as an Artist[3]. The secular Masters of Arts were not disposed either to allow Theology to be approached without adequate instruction in Philosophy or to permit that instruction to be given by any but authorized Masters of their own Faculty. At the same time a dispensing power was reserved to the Chancellor and Regents. According to the admissions of the Friars themselves, such dispensations were at first liberally granted[4]: and the friendly relations between the University and the Orders seem to have been little disturbed by the new Statute[5].

[1] But see *Mon. Francisc.* I. p. 346 *sq.* and cf. *Collectanea*, II. pp. 200, 245.

[2] The Statute is opposed 'cum fratres multum in etate iuuenili intrent ordinem . . . nec eis in dicto ordine in artibus liceat magistrari licet sufficienter in philosophyia in ordine sint instructi.' *Collectanea*, II. p. 217. At an earlier date secular education had been forbidden altogether. Cf. *Chartul. Univ. Paris.* I. pt. i. Nos. 57, 335, 342.

[3] Even among the Mendicants, Roger Bacon complains that the Biblical Lecturer 'mendicat horam legendi secundum quod placet lectori Sententiarum.' *Opp. Inedita*, ed. Brewer, p. 329.

[4] *Collectanea*, II. p. 256.

[5] For the whole of this conflict the chief and almost only authority is a Roll containing a record of the proceedings in the Roman Court upon the appeal of the Friars, which I have edited in *Collectanea*, II. p. 195 *sq.* For further details I may refer to the Introduction prefixed

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Movement against Friars, 1303.

Vespers and Sermons transferred to S. Mary's.

The inevitable conflict broke out at the beginning of the following century. With the year 1303 begins a series of Statutes obviously directed against the obnoxious Mendicants, especially the ever-combatant Order of S. Dominic. In that year the University transferred the 'Examinatory Sermons' required of Bachelors of Theology as a condition of Inception from the Dominican and Minorite Convents down by the quiet river-side, where they had commonly been preached, to the more central but (as the Friars contended) more noisy and incommodious S. Mary's. In 1310 the Theological Vespers—the disputation on the Eve of Inception—which had hitherto been given in any Master's School, were likewise required to be held in the University Church. The measure was really aimed at the Friars, since the usual practice had been to borrow or hire one of the large and well-built Schools of the Friars Minors or Friars Preachers. A little later (1310 or 1311) Friars were required to take the degree of Bachelor of Theology in the University, and not merely (as heretofore) to obtain the authorization of their own superiors, before they could lecture upon the Bible. As the degree of Bachelor of Theology was taken by lecturing on the Sentences[1], which required a philosophical education, this pressed heavily on the Friars, then the only students of Theology who cared much about the exegetical study[2] of the Bible as a practical preparation for the duties of the Preacher and the Pastor. The University Statute, as they not unreasonably contended, was 'irrational' and changed the proper 'order of doctrine,' since there were many simple Friars quite fitted for lecturing on the Bible, who

The Sentences before the Bible.

thereto. Rot. Claus. 6 Ed. II. m. 8 *dorso* may be added to the documents there published: in it the King intervenes on the side of the Friars.

[1] Usually, but in *Collectanea*, II. p. 233, the University contradicts the Friars' statement that the B.D. could only be taken in this way. Perhaps the allusion is to the old and obsolete permission to read the *Magister Historiarum*. See *Mun. Acad.* p. 25.

[2] 'Legere Bibliam biblice,' sometimes explained as 'sive textualiter,' as opposed to the Scholastic discussion of 'questiones' arising out of the text.

were not equal to grappling with the intricacies of Scholastic Theology: though to the University it appeared that such teaching only led to the diffusion of 'errors.' Besides these formal, corporate attacks upon the position which the Friars had hitherto occupied in the University, they now began to be annoyed by the stricter enforcement or abuse of their prerogative on the part of individual Masters. Graces dispensing from the obligation to graduate in Arts, which had hitherto been granted almost as a matter of course, began to be refused: and a single Master of Arts, according to the interpretation which the University put upon the Statute, could obstruct the grace. Again, the Statutes required that candidates for theological degrees should have disputed in the School of every Master of the Faculty: and now secular Masters began to refuse admission to Friar candidates. Finally, not only did the University decline to admit Friars to its degrees without an oath to obey the Statutes of the University[1] (here the old Parisian grievance comes to the front), but existing Masters were required to swear obedience to the new Statutes: and upon his refusal the Dominican Doctor, Hugh of Sutton, was expelled from the University. To complete their list of grievances, the University got the contumacious Friars excommunicated by the Archbishop of Canterbury, which exposed them to a host of petty vexations. They were preached against in the pulpits of the Seculars: their own sermons, their Schools, and their confessionals began to be avoided by scholars and townsfolk alike. People were afraid to speak to them or give them money or food, lawyers to act as their counsel: even their own students (as the Friars alleged) had been driven by this storm of obloquy and persecution to run away from their convents: those who remained had their 'necessary living, good fame, and affection of their friends' taken away from them[2].

Graces refused by the University.

Expulsion of a Dominican Friar.

It was to carry through this programme of anti-mendicant legislation—these 'exquisite and secret machinations,'

Majority of Faculties defined

[1] *Collectanea*, II. p. 218; *Mun. Acad.* p. 374.

[2] *Collectanea*, II. pp. 217–237, 256–261.

CHAP. XII, § 2. by Statute, 1302–3.

as the Friars pathetically phrased it—that an innovation was attempted in the University constitution exactly parallel to that which we have traced at Paris. At Paris, however, we were unable to fix the exact period at which the principle of Statute-making by a mere majority of Faculties was introduced, if indeed the revolution was not too silent and gradual to be assigned to any precise moment. At Oxford we are able to give a definite date. About the year 1302 or 1303 the University enacted that the Regents in two Faculties with a majority of the Non-regents should have the power to make a permanent Statute binding on the whole University: and the Statutes about the place of Vespers and the priority of the Sentences to the Bible were in fact carried only by the required majority, the two Faculties being the Faculty of Arts and the always closely allied Faculty of Medicine, which was for the nonce embodied in the person of a single Doctor[1].

Appeal to Roman Court.

The result of the embroglio with the Mendicants was an appeal to the Roman Court[2], and in this appeal the constitutional Statute, upon the validity of which the legality of the whole proceedings turned, formed one of the subjects of

[1] *Collectanea*, II. pp. 218, 226. The Faculty of Theology would of course include many Regulars; still the two dissentient Faculties do not appear to have opposed the constitutional innovation or sided with the Mendicants in the ensuing struggle. The secular Theologians as individuals certainly joined in the campaign against the Friars.

[2] In Feb. 131½ (*Collectanea*, II. p. 237 *sq.*), the pleadings of the Friars give an amusing account of their proctor's efforts to serve the notice of Appeal upon the Chancellor and Proctors. The Chancellor's servant prevented Brother Lawrence of Warwick from entering his Master's School. He then repaired to S. Mary's where a Congregation was being held, but was forcibly ejected ('exiit conturbatus protestans se dictas prouocationes et Appellationem velle prosequi cum effectu et earum copiam offerens postquam hostium Ecclesie recluserunt'). Thereupon the undaunted Friar mounted a tombstone and shouted into the windows that he would leave a copy of the appeal on the Church-door; after which he retired amid the maledictions of the Scholars' servants, who shouted 'peccatum esset uobis fratribus subuenire et pium hostia uestra obstruere et uos tanquam superbissimos ibi comburere qui cum sitis miseri et mendici audetis contra tantam congregacionem tam reuerendarum et excellentium personarum appellationem aliquam commouere' (*ib.* p. 245).

complaint. The case was partly heard by a Cardinal at Rome in 1313[1], but only with the result that, upon the petition of the University, the case was referred to arbitrators—two Seculars and two Friars—in England[2]. Their award in the main decided the case for the University. As a slight concession to the Friars on the merits of the question, it was provided, however, that every Bachelor of Divinity, after completing his course upon the Sentences, should preach one sermon in the Dominican Church before proceeding to the degree of Doctor. On the more important constitutional questions at issue, it was ordered:—

Award of Arbitrators, 1313.

(1) That when a grace was asked for a Friar, every Master should be required to swear that he would not refuse the grace 'out of malice or hatred or rancour,' but only 'for the common utility and honour of the University.' If after this precaution a Regent should refuse the grace, he was to be required forthwith to state his reasons to the Chancellor, Proctors, and Regent Masters of Theology, by whom an investigation was to be held into their sufficiency. If in the opinion of a majority of the Theological Regents the objection was not sustained, the grace was to be deemed *ipso facto* granted.

(2) The principle of majority-voting was upheld; but it was ordered that the majority should consist of three Faculties instead of two, of which the Faculty of Arts must be one, besides the Non-regents. Moreover, the Friars had complained that Statutes were passed without sufficient notice to the superior Faculties. It was therefore enjoined that no Statute should be passed without previous promulgation in a General Congregation of Regents[3], at which copies should be handed to a Master of each Faculty fifteen days before the time of voting.

The award was confirmed by Royal Letters Patent on

[1] *Collectanea*, II. p. 224.

[2] *Regesta Clem. V* (Romæ, 1888), No. 9253: *Collectanea*, II. p. 263.

[3] Such are the words of the Royal brief (*Collectanea*, II. p. 271), but in that case the Non-regents would get no notice. A certificate of the publication of a citation in connexion with this suit is preserved among the MSS. of the Dean and Chapter of Lincoln.

CHAP. XII, § 2.

April 7, 1314[1]. But the litigious Preachers found means of prolonging the suit for six years longer and in getting a succession of Bulls in their favour from John XXII[2].

Submission of Friars in 1320.

At last in 1320, however, they were compelled to renounce these Papal favours, and to make an unconditional submission to the University[3]. The Royal writ of 1314 must henceforth be considered as settling the general principles of the University constitution. In the fifteenth-century Registers there is, indeed, no trace of the observance of the provisions about the sermon in the Dominican Church, or of the provisions about Friars' graces, but there is abundant evidence of the practice of 'voting by Faculties' throughout the period with which we are concerned.

Later conflicts.

The controversy between the University and the Mendicants continued to smoulder until it was lost, so to speak, in the wider issues raised by the outbreak of the Wycliffite heresy[4]. The quarrel in Oxford was in truth but a symptom of the great feud between the Friars and the Seculars which divided the whole Church of England—indeed the whole Church of Europe—throughout the fourteenth century. In England as in France the Universities were but the organs of the secular clergy at large. The expenses of the University litigation against the Friars were defrayed by a tax upon the ecclesiastical property of the realm imposed by the two Convocations[5]. After the settlement of the academic questions just noticed, the controversy turned chiefly upon the question of the age at which the Friars might admit novices. In 1357 Richard Fitz-Ralph,

[1] *Collectanea*, II. pp. 264-272.

[2] Mr. Bliss has kindly communicated to me transcripts of these Bulls, which are now in the Public Record Office. (Cf. Little, *Grey Friars*, p. 40.) On some points the Friar-ridden Edward II was induced to write in their favour to the Pope, in the teeth of his own injunctions. Rymer's *Fœdera* (1706), III. p. 588.

[3] *Collectanea*, II. p. 272.

[4] It is interesting to see that William of S. Amour was still read at Oxford. This appears from a MS. poem in the Bodleian (James MS. 7. p. 86). He is often referred to by Wycliffe.

[5] Wilkins, *Concilia*, vol. II. p. 551: Eighth Report of Hist. MSS. Commission, p. 354; Linc. Reg., Burghersh, f. 351 (Twyne, II. 5 *b*); *Letters from Northern Registers*, ed. Raine, London, 1873, pp. 346-349.

Archbishop of Armagh—the great champion of the Seculars at Oxford, commonly known to the Middle Age as Armachanus—proceeded to the Court of Avignon to expose the system of kidnapping or inveigling young scholars, for which the popularity of the Friars as confessors afforded great facilities. The allurements held out by the Friars to boys so young as not to be uninfluenced by a present of apples[1] had inspired the parental mind with such alarm that the numbers of the Universities were, it was alleged, falling off with astounding rapidity[2]. Fitz-Ralph died at Avignon and the University did not send another legation. They, however, took the matter into their own hands by passing Statutes against the admission into the Mendicant Colleges of boys under eighteen years of age[3]. On this point, however, the Friars triumphed over the University at the Parliament of 1366; though they were forbidden to use any Papal Bulls which they might have obtained to the prejudice of the Universities[4].

CHAP. XII, § 2.

Armachanus at Avignon.

Occasional bickerings between the secular Masters and the Friars continued, however, to be among the normal incidents of University life. An amusing illustration of the sort of feud that was ever going on in Oxford occurs in 1358 (just after the mission of Armachanus), when a Friar Preacher, having in a sermon attacked the 'Sophists' as persons who want to seem wise but who never attain to true wisdom, was supposed to be aiming at the Faculty of Arts (whose students were technically known by that desig-

A Friar's Apology.

[1] 'Uncinis pomorum, ut populus fabulatur, puerulos ad religionem attrahitis, quos professos doctrinis non instruitis vi et metu, sicut exigit ætas illa, sed mendicativis discursibus sustinetis intendere atque tempus quo possent addiscere, in captandis favoribus amicorum consumere sinitis, in offensam parentum, puerorum periculum et ordinis detrimentum': Richard de Bury, *Philobiblon* (ed. Thomas), p. 51. So *Mun. Acad.* p 207: 'Pomis et potu, ut populus fabulatur, puerulos ad religionem attrahunt.'

[2] The discourse which he then delivered, *Defensorium Curatorum*, is printed in Brown's *Appendix ad Fasciculum rerum expetendarum*, pp. 466-486. Wycliffe declares that Armachanus was assisted by the English Bishops. *Fasciculi Zizaniorum* (ed. Shirley, 1854), p. 284. Cf. Poole in *Dict. Nat. Biog.*, and below, p. 581.

[3] In 1358, *Mun. Acad.* pp. 204-5.

[4] Rot Parl. II. p. 290.

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nation), and was compelled to make a public retractation and apology[1].

Constitution fixed, *c.* 1314.

It is, however, no part of my plan to enter into a detailed history of the later relations between the University and the Friars. The University constitution as it emerges from the great dispute of 1312–1320 continued in its main lines unaltered. We have no evidence to show how far the amendment imposed by the Royal letter of 1314 was observed. But, whether the majority had to be composed of three Faculties or two (in addition to the Non-regents), there is no doubt that a Statute could be carried by a majority of Faculties[2]. It should be added that, as at Paris, only one Mendicant Doctor of each Order might sit in Convocation at the same time[3].

Procedure at Great Congregation.

In a document belonging to the latter half of the fourteenth century or later we find the whole process of voting on a Statute described in elaborate detail[4]. The proceedings are to be spread over five days. On the first day the proposal is to be promulgated by the Proctors in the Black Congregation. On the second day it is to be discussed. On the third day the Chancellor summons a Great Congregation, when the Non-regents elect their 'Scrutators' and through them receive a copy of the

[1] *Mun. Acad.* pp. 211–12. A dispute between the Austin Friars and the University terminated in the submission of the former in 1357. *Archives*, Pix Y (S. E. P.) 11 (Twyne, III. 368). An original document relating to this affair is pasted into the Twyne MSS. II. f. 380. (Cf. *Mun. Acad.* p. 208.) In the fifteenth century we often find a Regular who had graduated elsewhere admitted to the privileges of Regency 'excepto quod non intret domum Congregationis.'

[2] There were other constitutional disturbances at about this time. In 1327 a 'pugna' took place which led to the deposition of the Chancellor and Proctors of the University. See *Chronicles of Edw. II and III*, ed. Stubbs, I. p. 332. Cf. *Mun. Acad.* p. 119 *sq.*

[3] *Mun. Acad.* p. 453: the Dominicans appear to have here enjoyed no special privilege.

[4] *Mun. Acad.* pp. 481–483. The document is apparently not a Statute but merely a memorandum for the use of the Proctors. Since in the Chancellor's book it is inserted only in a later hand, the earlier part of the book being written *circa* 1350, it is probable that it belongs to the second half of the century. S. Mildred's is not mentioned as the place of session for the Black Congregation, which might suggest a still later date.

proposed Statute[1]. At another Congregation the Statute is discussed and voted on by the separate sections of the University, who retire for the purpose to different parts of S. Mary's Church. The Non-regents presided over by the Scrutators 'are to remain in the choir; the Theologians in the Congregation House; the Decretists in the Chapel of S. Anne; the Physicians in the Chapel of S. Catherine; the Legists in the Chapel of S. Thomas; the Proctors with their Regents in the Chapel of the Glorious Virgin[2].' After a second discussion on the next day the votes of each of the six bodies concerned are handed in[3]. This elaborate procedure, extending over five days, was of course only observed when a Statute in the proper sense of the word, as opposed to temporary decrees or dispensatory graces of the University, had to be passed.

Statutes of Separate Faculties rare.

It should be added that we do very rarely find occasional instances of the separate Faculties, as at Paris, making Statutes for the regulation of their own internal discipline[4], but as a general rule Statutes relating to all Faculties—even those dealing with educational details or with internal discipline—were enacted by the Congregation of the whole University. The want of independent corporate life on the part of the superior Faculties and their

[1] In the fifteenth-century Register we find that Statutes were usually drawn up by *eight* delegates appointed for the purpose—precisely the number which we have seen to be usual from an earlier period at Bologna and Paris.

[2] 'Maneant Non-regentes in choro; theologi in domo Congregationis; decretistæ in capella S. Annæ: medici in capella S. Catherinæ; legistæ in capella S. Thomæ; Procuratores suis cum Regentibus in Capella Gloriosæ Virginis.'

[3] The last relic of the system of voting by Faculties is the formula still in use, 'Placetne vobis, Domini Doctores? Placetne vobis, Magistri?' though, upon a scrutiny, no notice is taken of the division into Faculties.

[4] In *Mun. Acad.* p. 402 there is a list of regulations 'expedita Facultate Decretorum.' So on p. 411: 'auctoritate domini Cancellarii et Procuratorum Universitatis, necnon et omnium Magistrorum in facultate artium regentium, *ordinatum est et provisum*.' On one occasion the Faculty of Law obtained a Royal letter allowing them to hold meetings 'pro omnibus negotiis vos ac gradus et facultates vestras concernentibus,' but this was only to enable them to carry on a pending suit against the University, notwithstanding a recent edict against 'illicit conventicles.' Rot. Pat. 8 Ric. II, pt. 2. m. 35: Ayliffe, II. App. p. xxxv.

CHAP. XII, § 3. complete subordination to the inferior Faculty of Arts, is one of the most remarkable peculiarities of the Oxford University constitution. The University of Paris was distinctly a federal constitution consisting of four distinct corporations, one of which was itself a federation. The Oxford Congregation was rather a Parliament of several Estates and one in which the predominance of the most democratic element—the Regents in Arts—was as marked as that of the House of Commons in the modern English Parliament [1].

§ 3. THE UNIVERSITY AND THE TOWN.

Last relic of clerical immunities.

I have thought it well to reserve a separate section for the curious history of the process by which a Society of teachers succeeded first in sharing, then in almost monopolizing, the government of an important English town. The enquiry is an interesting one because it explains the origin of those singular liberties which still survive among us—almost the last relic perhaps in all Europe of the old clerical immunities. But our subject possesses a higher and more solid interest on account of the light which it incidentally throws upon the conduct of local government, the administration of justice, and the realities of clerical and academic life in medieval Europe generally.

In enquiries of this kind we are, as it were, sinking a shaft

[1] It is doubtful, however, how long the Black Congregations continued to be held. In 1570, when a movement took place for the reform of the University's utterly uncodified and mostly obsolete Statutes, it was summoned by the Proctors at the command of the Vice-Chancellor: but we are expressly told that it had become obsolete, and that doubts were entertained as to whether it had not been repealed by Statute. (Register KK 9. f. 94 *b*.) The Church in which it was held was partly pulled down in 1437 and fell into complete ruin by the time of Henry VIII (Wood, *City*, II. p. 95). This circumstance may by itself have assisted the disappearance of the Black Congregation, which was also promoted by the extinction of all Regents in Arts except the most junior Masters, i. e. the necessary Regents. See below, pp. 516, 517.

Central control of local authorities.

into the accumulated rubbish of ages; and it may be doubted whether from any other boring we could extract more precious historical ore than from the documentary remains of the Universities, and especially of Oxford and Cambridge. We are struck in reading these records with the minuteness of the control exercised by the King and his Council over local affairs. The government of a medieval town was carried on in accordance with what still remains, under altered forms, the distinctly English system of administration—a system neither of centralization nor of decentralization, but of local self-government subject to central control and inspection. Then as now the ordinary administration was in the hands of elected local officers: but no matter was considered unworthy of the interference of the King and his Council, when once attention was called to any neglect on the part of the local authorities. The rights of Parliament were never so understood as to exclude administrative action of a kind which would now be looked upon as actual legislation. Thus at Oxford we find constant royal orders upon such matters as the repair and cleansing of the streets, or the slaughtering of cattle within the City[1]. The clerks being imperfectly acclimatized were more fastidious than the townsmen in such matters. Thus in 1300 a Royal letter to the Sheriff complains that 'the air is so corrupted and infected' by the filth in the streets 'that an abominable loathing' (or perhaps 'ague') is 'diffused among the aforesaid Masters and scholars,' a state of things aggravated by the practice of the regrators burning fat (*unctum et sepum*) before their houses[2]. There are frequent orders requiring each inhabitant to repair as well as clean the pavement in front of his own door. In the minuteness of its sanitary inspection medieval administration far sur-

Sanitary inspection.

[1] e.g. Rot. Pat. 13 Ed. III, p. 2. m. 28 (Ayliffe, II. App. p. xlii).

[2] 'Per fimos et fimaria, et plures alias feditates que in stratis et venellis ville predicte ponuntur et colliguntur aer ibidem in tantum corrumpitur et inficitur quod magistris et scolaribus predictis et aliis ibidem conversantibus horror abhominabilis incutitur.' Rot. Claus. 29 Ed. I, m. 14 *dorso* (Hare, *Priv.* f. 19*b*: Wood, I. p. 362).

CHAP. XII, § 3. passed anything that obtains in these days of Social Science and hygienic civilization. In 1293 for instance a Royal letter was directed to the Sheriff forbidding the use of the corrupt water of Trillmill stream (on the south of Oxford beyond Pembroke College) for brewing and baking purposes. Antony Wood laments that in his own day 'very unwholesome liquor' was still brewed from the dilute sewage of the offending rivulet, 'which without doubt,' he adds, 'is the author of several diseases among us[1].' The Crown ever exercised a fatherly supervision over the well-being of the scholars. Tournaments and jousts were forbidden in Oxford and its neighbourhood lest they should be distracted from their studies[2], and to this day the Vice-Chancellor retains the right of prohibiting or exercising a censorship over theatrical entertainments in the town. Disputes between Town and University were constantly referred to the King and Council, as also (though more rarely) between conflicting University authorities. There were practically no limits to the interference of the Crown when once interference was provoked, though the general policy of the English Kings was to uphold and protect local liberties. Instances occur of both Chancellor and Proctors being removed by Royal writ[3]. There was of course no notion of the University having legal rights which it could enforce against the Crown. So far as secular authority was concerned, the Crown was practically absolute. Few of the privileges either of Town or University rested upon any parliamentary basis, nor were they part of the Common Law. They were the creation of the Sovereign's favour and were liable to suspension or revocation at his pleasure. A Churchman might of course have claimed the scholar's exemption from lay tribunals as an indefeasible right. But, though in all but very grave cases the cognizance of clerical offences was left to the ecclesiastical tribunals, the King in Council would

[1] Placita coram Rege de Term. S. Mich. 21 & 22 Ed. I. Rot. Scacc. 5; Wood, I. p. 345. There is still a Brewers' Street here.

[2] Rot. Claus. 33 Ed. I, m. 2 *dorso*.

[3] See above, p. 386, n. 2.

never hesitate to imprison a clerk in Oxford or anywhere else. CHAP. XII, § 3.

It has already been pointed out that the Chancellor's power was in its origin purely ecclesiastical. The jurisdiction which the Official of the Bishop or Archdeacon exercised over other ecclesiastics was specially delegated to the Chancellor in the case of Masters and scholars of Oxford, and (as time went on) of a gradually increasing class of dependents to whom the favour of the University extended some of the least of the then very real benefits of clergy. This jurisdiction was originally claimed in all criminal cases, though in earlier times the more serious cases were reserved for the Bishop's ordinary tribunal. The Chancellor's jurisdiction was enforced by excommunication and penance: imprisonment was regarded rather as a preliminary to trial than as a normal form of punishment. Over laymen the Chancellor had at first no jurisdiction, except in so far as the exercise of such jurisdiction might be incidentally necessary to the enforcement of his authority over his clerical subjects, or to their protection from lay violence; and then his jurisdiction was spiritual only. It is, however, easy to understand that in cases arising out of quarrels between a scholar and a townsman it might often be difficult to say with precision which of the parties was plaintiff and which defendant. Moreover, at a time when the spiritual Courts exercised an extensive control over the private lives of laymen, it is not very surprising that the Chancellor's jurisdiction should occasionally have been extended beyond the limits which the theory of his office would seem to prescribe: and this extension would be facilitated by the fact that there was no Bishop's Court at Oxford, but only that of the Archdeacon. At all events, in one way or another the Chancellor as a spiritual judge seems to have gained a good deal of jurisdiction over townsmen before he received any express recognition of his authority from the Crown.

Chancellor's jurisdiction originally a spiritual jurisdiction over scholars.

Of the first recorded collision with the townsfolk and its sequel enough has been said. The Ordinance of 1214

Early quarrels with Town.

CHAP. XII, § 3. produced no change in the constitutional position beyond dividing between the Bishop and Archdeacon on the one hand and the Chancellor on the other the rights hitherto enjoyed only by the former—namely, the right of demanding the surrender of an imprisoned scholar, and (where the Bishop allowed it) conducting the trial. The affair was settled by the Papal legate and the Bishop of Lincoln without any interference of the King[1]. A fatal affray which took place between Town and Gown in 1228 was likewise settled by purely ecclesiastical authority, the offender being positively allowed (such a thing would have been impossible a century later) to be sent to Rome for trial[2]. The promptness of the ecclesiastical authorities to protect the scholars of Oxford contrasts strangely with the apathy shown on the somewhat similar collision of the following year at Paris, and England profited by the reputation which it enjoyed as a safe place for clerks by receiving a colony of the dispersed Parisians. They were specially invited to England by a letter of Henry III[3]. Many of them certainly settled at Cambridge, but others no doubt came to Oxford. The increased importance given to the University by this augmentation of numbers may be traced in a succession of Royal briefs.

Leave to use Town prison, 1231.

In 1231 the King ordered that the Mayor and Bailiffs should allow the Chancellor to use the town prison for the confinement of refractory clerks[4]: and a few years later

[1] The Privilege of 56 Henry III (Ap. 28, 1272) speaks of 'libertates per chartas *predecessorum nostrorum* Regum Angliæ et nostras concessas.' If there were such charters, they have not come down to us.

[2] *Ann. Monast.* (Dunstable), ed. Luard (1866), III. p. 109.

[3] Rot. Pat 13 Hen. III, m. 6 (Hare, *Mem.* f. 1). In 1231 a Royal writ about the taxation of lodgings declares that 'apud villam nostram Oxon. studendi causa e diversis partibus tam cismarinis quam transmarinis confluit multitudo.' Rot. Claus. 15 Hen. III, m. 13 *dorso* (Hare, *Priv.* f. 1).

[4] *Letters of Hen. III*, ed. Shirley, 1862, I. 399. At a later date the town was directed to provide a separate prison for scholars and other slight offenders 'of good condition,' and not to imprison them 'inter latrones' (Twyne, IV. p. 64). The prison actually used was the chamber over Bocardo Gate which then stood close to the tower of S. Michael's Church.

the Constable is directed to allow the use of the King's prison in the Castle for the same purpose[1]. The fact that there was at Oxford no regular Bishop's prison such as was to be found in every episcopal city or (if there was one) the fact that the Chancellor was not allowed to use it, no doubt contributed to that confusion between spiritual and temporal jurisdiction which is at a very early period traceable in the relations between the Chancellor of Oxford and the townsmen. It is natural to find that the Chancellor always experienced a certain difficulty in obtaining the assistance of the secular arm in executing his decrees, though the Sheriff, Mayor, and Bailiffs are constantly enjoined to render such assistance. It seems, indeed, to have been the custom, when a scholar was sentenced, for the Bedel simply to invite him to go to prison on his own account. If the invitation was declined, he was merely banished from the University[2]. In the year 1231 another important step was taken towards the establishment of discipline among the motley crew with which the fame of its schools had flooded the streets of the town by a Royal brief directing the Sheriff to expel all so-called scholars who were not under a regular Master[3].

Expulsion of Masterless scholars, 1231.

The first important extension of the Chancellor's jurisdiction took place in the year 1244. In that year a raid was made upon the Jewry by a body of scholars. Fifty-five of them were imprisoned and Grossetête had some difficulty in procuring their surrender[4]. But about a fortnight later a charter was granted by which the Jews of Oxford were forbidden to take more than *2d.* in the pound per week as interest from scholars, and all disputes of the kind which had no doubt led to the anti-semitic outbreak were referred to the Chancellor's decision. By this charter the Chancellor acquired jurisdiction in actions of debt, disputes about rents or prices, and all other 'contracts of moveables' in

Charter of 1244.

[1] Rot. Claus. 21 Hen. III, m. 19 *dorso* (Hare, *Priv.* f. 2).

[2] *Mun. Acad.* p. 94.

[3] *Letters of Hen. III*, I. 399.

[4] *Chron. of Abingdon* (ed. Halliwell: Berkshire Ashmolean Soc., Reading, 1844), p. 5. *Fourth Report of the Deputy Keeper of the Public Records*, p. 142.

CHAP. XII, § 3. Jurisdiction in contracts, 1244. Mayor's oath, 1248.

which one party was a clerk[1]. A charter of 1248[2] authorized the Chancellor and Proctors to assist at the assaying of bread and beer by the Mayor and Bailiffs, and imposed upon the latter an oath to respect the liberties and customs of the University, to be taken on admission to office[2]. The Town was also made liable in its corporate capacity for injuries to scholars. Otherwise no change was made in the limits of the Chancellor's jurisdiction. To the spiritual jurisdiction which he possessed by the ordinary ecclesiastical law, and the civil jurisdiction conferred in 1244, the charter of 1255 for the first time added a criminal jurisdiction even over laymen, for breach of the peace. By this charter[3] it was provided that if a layman did any grievous injury to a clerk, he should be imprisoned in the Castle, and detained there 'until he satisfy the clerk and that at the discretion of the Chancellor and University.' It is clear that the jurisdiction here conferred is very ill-defined: but it must at least have enabled the Chancellor to keep an offending burgess in prison till he consented to pay any price the University chose to demand or to do an ecclesiastical penance[4].

Jurisdiction in breaches of peace, 1255.

The disputes been the Town and the University led in

[1] 'In causis clericorum ex mutuis datis aut receptis aut taxationibus seu locationibus domorum, aut equis conductis, uenditis seu commodatis seu pannis et uictualibus ortum habentibus seu aliis quibuslibet rerum mobilium contractibus in municipio aut suburbio Oxon. factis nostra prohibicio non currat' (Rot. Pat. 28 Hen. III, m. 6 *dorso*; Ayliffe, II. App. p. vi). This and all the more important later privileges are printed from the *Inspeximus* of Edward IV, in the *Registrum privilegiorum* of 1770. It should be noticed that this was simply a local grant of what the clergy were everywhere at this time contending for as a matter of right, elsewhere with little success. Cf. Stubbs, *Constitutional Hist. of England*, 1880, III. p. 370.

[2] See the *Inspeximus* of 1268 in *Mun. Acad.* p. 777.

[3] 'Si laicus inferat clerico gravem vel enormem lesionem statim capiatur et si magna sit lesio incarceretur in castro Oxon. et ibi detineatur quousque clerico satisfaciat, et hoc arbitrio Cancellarii et Universitatis Oxoniæ. Si clericus protervus fuerit, si minor vel levis sit injuria, incarceretur in villa.' *Mun. Acad.* p. 776.

[4] In 1263 a jury found that the Chancellor's jurisdiction extended to Jews who, as the King's chattels, would have been exempt from the ordinary ecclesiastical Courts; Rot. Pat. 45 Hen. III, m. 19 *dorso*; Rot. Claus. 45 Hen. III, m. 14 (Hare f. 6); Inquis. post mortem no. 50 (Hare f. 6). Cf. Peshall, p. 26.

Secession to Northampton, 1263.

England, as everywhere, to frequent secessions. Half the Universities in Europe owed their origin to such migrations —Oxford itself probably among the number. A similar migration from Oxford in 1209 led to the establishment of a permanent University at Cambridge. In or about the year 1260 one of the usual conflicts with townsmen led in turn to an exodus from Cambridge to Northampton. At first the new University seems to have been encouraged by the King[1], then he ordered its dissolution; but in 1263 a disturbance at Oxford, followed by a writ ordering the dispersion of the Oxford Schools partly perhaps in view of the session of the Parliament[2] which was to be held there in the spring, had the effect of still further reinforcing the Northampton settlement. The motive for this order seems to have been the sympathy shown by the scholars of Oxford for the King's enemies in the Barons' War. At the siege of Northampton in 1264 the scholars did much execution among the King's forces with bows and arrows—weapons with which they may have been familiarized by occasional practice in the streets of Oxford. On the capture of the town the clerks narrowly escaped hanging at the hands of the indignant monarch[3]. After the King's defeat at Lewes, the scholars were commanded by a writ issued in the King's name to return to Oxford[4], and soon afterwards a similar order decreed the 'entire cessation of the University of Northampton[5].'

[1] Rot. Pat. 45 Hen. III, m. 17 (Ayliffe, II. *App.* p. ix).

[2] *Annales Monast.* (Winton), II. p. 101; (Oseney) IV. p. 141; *Chron. of Abingdon*, ed. Halliwell (Reading, 1844), p. 16; Rishanger, *Chron.* ed. Riley (London, 1865), p. 20 *sq.*; *Chronicles of Edw. I and Edw. II*, ed. Stubbs, I. p. 61; Dyer, *Privileges of Cambridge*, I. p. 6; Rot. Pat. 48 Hen. III, m. 17: *Flores Historiarum*, ed. Luard, II. (1890), p. 458. Walter of Hemingford declares that the University was moved 'jussu baronum,' *Chron.* cap. 29 (ap. Gale, *Rer. Ang. SS.* II. p. 581), while Higden (ed. Lumby, VIII. p. 248), says, 'Rex Henricus ejecit universitatem de Oxonia.'

[3] Upon hearing the King's threats, 'raserunt capita sua multi' (Knyghton, ap. Twysden's *Scriptores Decem*, *c.* 1652, Walter of Hemingford, *l. c.*). Cf. *Chron. Abendon.* ap. Twyne, MSS. XXIV. p. 626.

[4] Rot. Pat. 48 Hen. III, m. 12 (Hare, *Priv.* f. 8 *a*).

[5] Rot. Claus. 49 Hen. III, m. 10 *dorso* (Ayliffe, II. *App.* p. x).

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Earlier Migration to Northampton,

It is highly probable that the emigrants of 1262–4 must have found a body of scholars already established in Northampton. At all events an earlier migration from Oxford had taken place in the year 1238 when a quarrel arose at Oseney between the scholars and the Legate Otho who was lodging in the monastery. A party of scholars had come to the Monastery to salute the Legate, but were rudely repelled by his servants. At the same time a poor Irish chaplain was begging at the kitchen door, when a caldron of hot water was thrown in his face by the Legate's brother, who filled the office of 'Master of the Cooks' to his Eminence. The enraged scholars fell upon the Master-cook, and killed him. The Legate had to take refuge in the town, and at night fled for his life. Oxford was laid under Interdict, the University suspended, and the offenders proceeded against with much vigour by the King[1]. The result was a dispersion. Some of the fugitives established themselves at Northampton, and it is not unlikely that a Studium of some kind maintained themselves in that city continuously from 1238 to 1264:

and to Salisbury, 1238.

others went to Salisbury[2], where we have interesting evidence of the continuance of the Studium then established as late as 1278. In that year we find a compact drawn up between the Chancellor and the Sub-dean of Salisbury with respect to the limits of their respective jurisdictions over the scholars of the place. There is nothing in this by itself to denote the presence of a Studium Generale. The Chancellor of the Cathedral Church everywhere claimed spiritual jurisdiction over the scholars of the Cathedral City, and granted Licenses to their Masters. Still the number of their Masters, the circumstance that they belong to more Faculties than one[3], and the fact that the causes and contracts spoken of are evidently not the disputes of mere schoolboys,

[1] Matt. Paris, *Hist. Maj.* III. 481 *sq.*; *Hist. Min.* II. 407 *sq.*

[2] Walsingham, *Ypodigma Neustriæ*, ed. Riley, I. 141.

[3] 'Inter omnes scolares, cuiuscunque facultatis existant, studiorum causa in civitate ipsa commorantes' (see the document in Appendix XXVIII).

make it probable that the Schools here were of a character which we have no reason for believing to have permanently existed at such places after the growth of the Universities. A century earlier, or at some Cathedral town much more remote from a University than Salisbury is from Oxford, such a Studium would excite no surprise. But at Salisbury in 1278 we can have little doubt that such an agreement reveals the continued existence of the Oxford colony of 1238. Salisbury was still in fact a University town. It would be vain to speculate how far the colony may have been reinforced by the troubles of 1264, or by one of the many disturbances between North and South or Town and Gown which marked the years 1264–1278. It is vain to speculate which of these causes may have led to the attempt to found or develope a Studium at Salisbury. It is of more importance to notice how immediately it is assumed that the local scholastic authority has the same jurisdiction over the new-comers that they had exercised over the mere Grammar-boys before their advent. This is exactly what would have happened at Oxford had it possessed a Cathedral or important Collegiate Church.

Secession to Stamford, 1334.

It is in all probability to the capture of Northampton by Henry III that we owe the fact—on the whole a regrettable one—that England possesses no more than two ancient Universities. Another very determined effort to found a new University at Stamford was made by the Northern scholars of Oxford, worsted in their battles with the Southerners, in the year 1334, or, as another account has it, by Masters beaten in an encounter with scholars[1]. It required the

[1] It seems to me essentially misleading to say with Mr. Henson (*Collectanea*, I. p. 3) that the Carmelite Schools, established *circa* 1265, 'formed the nucleus, around which there soon gathered an University in all but name.' There is no evidence that there were any but purely claustral schools at Stamford till 1334. See *Collectanea*, I. pp. 3-16. On the secession to Stamford, see also Knighton, ap. Twysden, c. 2565; Rot. Parl. vol. II. p. 76; Rymer's *Foedera*, vol. IV. (ed. 1707), pp. 622, 638; Rot. Claus. 8 Ed. III, m. 17 *dorso* (Hare, *Mem.* f. 37); Peck, *Academia tertia Anglicana*, London, 1727. According to a fragment from an apparently lost Chronicle preserved by Twyne and printed

CHAP. XII, § 3. most strenuous exertion of the Royal authority to disperse the seventeen Masters who persisted in lecturing in spite of the Royal prohibition[1]; and until within living memory an oath not to lecture at Stamford was exacted from all candidates for the Mastership at Oxford[2]. Once more in the seventeenth century the jealousy of the older Universities was unfortunately allowed to prevent the execution of Cromwell's project of founding a northern University at Durham. It is impossible to doubt that the cause of Learning in England has been injured by the paucity of its Universities, or that the stagnation of Oxford and Cambridge at certain periods of their history has been aggravated by the total absence of competition. Perhaps even at the present day English education suffers from the too exclusive prestige of her two ancient Universities.

Charter of Edward I, 1275. A new era in the development of the Oxford privileges is opened by the accession of Edward I[3]. A Royal writ of 1275 conferred on the Chancellor the cognizance of all personal actions whatever wherein either party was a scholar[4], whereas it is not clear that the former privileges gave a civil jurisdiction except when the scholar was defendant.

in Appendix XXII, the secession was due to the defeat of the Masters in a bloody encounter with their rebellious scholars. Was it some earlier fracas of this description which induced Master William Wheteley to retire to Stamford and there solace his leisure by writing a commentary on Boethius' *De disciplina Scholarium*, now in the Exeter Coll. Library (MS. No. 28)? If so, certainly his choice of subject is intelligible enough. The words 'qui rexit scolas Stamfordie anno ab incarnatione Domini millesimo tricentesimo nono' might be used of a mere Grammar-school Master, but this is scarcely probable. The MS. has very much the appearance of being a course of academic lectures.

[1] Rot. Escaet. 10 Ed. III. No. 172 (Hare, *Mem.* f. 45).

[2] *Mun. Acad.* p. 375; *Laudian Code*, ed. Shadwell, p. 111.

[3] In Rot. Pat. 8 Ed. I, m. 21 (Hare, *Mem.* f. 18) the King orders the 'custodes cambii sui' to send £3000 to the Chancellor and Proctors 'ad utilitatem scholarium.' This was no doubt connected with the calling in of false and clipped coin. Wood, I. 303.

[4] Rot. Pat. 3 Ed. I, m. 6 (Hare, *Priv.* f. 13). The privilege contains a clause 'non obstante prohibitione nostra.' This is interpreted by Wood to mean that the King had at a former period prohibited the exercise of this jurisdiction; but of course its real effect was to bar an application for a prohibition to the King's Court.

In the same reign we find a legal recognition by the verdict of a jury of the immunity of Halls or Houses occupied by scholars from a variety of fiscal and civic liabilities[1]. This immunity would appear to rest, not (as Wood assumes) upon previous Charters, but upon simple custom, approved perhaps by the King or his Sheriffs, but not hitherto enjoying any legal sanction. In tracing the growth of the University privileges in this period, it must be remembered that we are at present in an age which was governed by custom rather than by written law, and an age in which a precedent of a very few years was held quite sufficient to establish a custom whereof the memory of man went not to the contrary[2].

Taxation of Halls.

Another important right of the University, which was in the first instance probably due to mere assertion, was the principle that houses once occupied by scholars for Halls or Schools should never be let to lay tenants so long as there were Masters who wanted to take them[3]. The taxation of Halls by a joint board of burgesses and Masters is a custom which was established from the earliest times in all medieval Studia. At Oxford it obtained canonical sanction from the Ordinance of 1214, and Royal approval by the general confirmation of the University customs in 1244 and 1248. But the scholars of Oxford, as of some other Universities, claimed that when once a Hall was let

[1] 'A sectis, visibus Franci plegii, auxiliis, tallagiis, vigiliis, finibus, redemptionibus, amerciamentis, contributionibus, aut aliis quibuscunque oneribus emergentibus,' &c. Wood, I. 302, who, however, gives no reference to the original.

[2] I cannot precisely determine the origin of the Chancellor's power of imprisoning prostitutes. It was probably asserted as part of his general power of dealing with disturbers of the peace of the University, and is assumed in the petition of the University and the answer given to it in the Parliament of 33 Edward I (*Memoranda de Parliamento*, ed. Maitland, p. 44), where the Chancellor finds a difficulty in dealing with such characters when they lived beyond his then jurisdiction, 'ultra peti-ponnt in parochia S. Clementis.' The answer is that he must catch them when they enter the town.

[3] *Mun. Acad.* p. 14. Cf. below, p. 467.

CHAP. XII, § 3. to a scholar, it should never be let to a layman, unless the owner might himself wish to occupy it. This claim of the University was sanctioned by a writ of Edward I in 1303[1].

Dispute with Bailiff of Northern Suburb, 1288.

Towards the close of the thirteenth century we find abundant evidence of the growing powers of the University. In 1288 disputes arose out of the attempts of a certain Robert de Welles, the King's Bailiff, to resist the jurisdiction of the Chancellor, not indeed in the town itself but in its suburb outside the North gate. The open space then called Beaumont fields, which embraced not only the present University park but also the wide street or open space known as St. Giles's, appears to have been at that time the usual students' playground—the 'Pré-aux-clercs' of Oxford: hence it is easy to understand how collisions between the University and the Bailiff would arise. The Bailiff had been excommunicated for imprisoning a Bedel and refusing to obey the citation of the Chancellor. He retaliated by procuring the attachment of the Chancellor's Commissary, one of the Proctors, and other members of the University. But, on the matter coming before the King's Council, the rights of the University were upheld and the officious Bailiff removed from his office[2]. On this occasion we find the University employing the favourite weapon of their Parisian brethren, a threat of 'Cessation,' in the event of the obnoxious official being restored. Two years later the whole question of the relations between the Town and University became the subject of discussion before the King in Parliament. By this time it is no longer a question of protecting defenceless scholars from the tyranny of brutal burghers, but of protecting respectable citizens from oppression by the Chancellor's Court and the hundreds of quarrelsome boys who were always ready to annoy their lay neighbours by the abuse of its

[1] Archives, Pix Y (S. E. P.), 5.

[2] *Mun. Acad.* p. 43 *sq.*, 68. The King had ordered the excommunication to be raised till the session of Parliament; Rot. Pat. 14 Ed. I, m. 7 *dorso* (Hare, *Mem.* f. 19 *b*); documents from City Red Book in Twyne, IV. p. 28.

process. The jurisdiction, sometimes salutary enough, but too often petty and inquisitorial, exercised by the ecclesiastical Courts everywhere—not only during the Middle Ages but down to 1642—is too much lost sight of by historians in estimating the real relations between Church and people during these periods. At Oxford the system would be exceptionally galling in proportion to the number and ubiquitousness of the clerical population interested in asserting the rights of their order against offending laics. Already it is complained that the Chancellor sets free prisoners committed by the Mayor and Bailiffs, appropriates to himself the forfeited victuals of regrators and flesh or fish confiscated as unfit for human food, imposes ruinous fines on imprisoned laymen and the like. By the judgment of the King and Parliament (1290)[1], the Chancellor's jurisdiction is for the first time exactly defined. But, though provisions are inserted against the abuses complained of, the net result—as in all subsequent cases of similar dispute—was a substantial addition to the authority which the academic monarch had hitherto legally enjoyed. He now obtained jurisdiction in case of all crimes committed in Oxford, where one of the parties was a scholar, except pleas of homicide and mayhem[2]. His jurisdiction over the King's Bailiffs is affirmed, but with leave to them to apply to the King's Court if aggrieved by

[1] *Mun. Acad.* p. 46 *sq.*; Rot. Parl. I. p. 33; Ogle, No. 13.

[2] 'Exceptis placitis de morte hominis et mayhemio.' The successive confirmations of the privileges continue this limitation till a Charter of Richard II (Rot. Cart. 14 Ric. II, No. 14; Hare, *Mem.* f. 107) which substitutes 'felonia et mayhemio dumtaxat exceptis,' which long continued to be the legal limit of the Chancellor's jurisdiction (see App. XXXII). It would be assumed that pleas affecting freehold held in lay fee would be excluded from the jurisdiction of the Chancellor as of all other ecclesiastical Courts. (Cases affecting College property were constantly tried in the town court of Hustings.) Cf. the Bull of Boniface IX, 'tribus casibus, videlicet homicidio, mutilatione, et libero tenemento duntaxat exceptis' (*Mun. Acad.* p. 79). In the first two cases, scholars would be surrendered to the Bishop after trial at Assizes. One other class of cases was exempted from the Chancellor's jurisdiction, i. e. pleas which 'touch the Crown.' This exception is made in the verdict of the Jury about the Jews, above, p. 394, n. 3.

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the Chancellor's proceedings. In civil cases it was to extend to all contracts where one party was a scholar and the cause of action arose in Oxford. The victuals—including the stinking fish about which the civil and ecclesiastical authorities were so strangely at issue—or rather perhaps the pecuniary fines imposed upon their vendors, were to go as Royal alms to the hospital of S. John, which then stood outside the eastern gate near Magdalen bridge[1]. The liberties of the University were affirmed to extend to the 'families' (i. e. servants) of clerks, as well as to the Bedels, parchment-makers, illuminators, writers, barbers, and 'others who wore the livery or robes of the clerks[2].' If, however, the latter engaged in 'merchandise,' they were to be tallageable like the burgesses.

Confirmation granted for prayers.

It was customary for the University, like other corporate bodies, to apply from time to time for a confirmation of its Privileges and Charters, particularly on the accession of a new Sovereign. A curious notice has been preserved as to the terms on which these renewals were granted. Scholars were a poor class, but all clerks could read and pray, and in those days prayers were a marketable commodity. Accordingly, when a confirmation of Charters was applied for in 1315, it was granted in return for 1,500 whole psalters[3], in consideration of which the fee for sealing was remitted. Would it be rash to infer that in the number of whole psalters prescribed we have an approximate estimate of the number of scholars then studying at Oxford?

Passing over some grants of minor privileges of no great

[1] 'Forisfacturæ, emendæ, et amerciamenta de carnibus et piscibus putridis et non competentibus.' *Mun. Acad.* p. 51.

[2] 'Nisi clerici et eorum familiæ et servientes pergamenarii luminatores scriptores et alii homines de officio qui sunt de robis ipsorum clericorum.' *Mun. Acad.* p. 52. The last clause can hardly mean persons engaged in making the clerks' robes (i.e. tailors) as Mr. Anstey supposes. To be 'de robis' of a noble meant to be a member of his household or suite, a companion or servant.

[3] 'Per ipsum Regem et consilium et pro mille quingentis psalteriis, et sint quieti de feodo sigilli.' Rot. Pat. 8 E. II, pt. ii. m. 11 (Hare, *Priv.* f. 32).

interest, we come in 1354 to a great crisis in the history of the University. To give the reader some idea of what the medieval Town and Gown war really was, I propose to relate the story of this particular engagement (for such it may fairly be called) in some detail. But the relation of the events of this one war will give a false impression unless it is remembered that the kind of fighting which we shall have to describe was perpetually going on in the streets of Oxford on a smaller scale and with less fatal results. There is probably not a single yard of ground in any part of the classic High Street that lies between S. Martin's and S. Mary's which has not, at one time or other, been stained with blood. There are historic battle-fields on which less has been spilt.

'The Slaughter' of 1354.

Like nearly every disturbance of the kind, the affair of 1355¾ broke out in a tavern. Its origin cannot be better described than in the racy language of old Anthony Wood. 'On Tuesday, 10 Feb. (being the feast of S. Scholastica the Virgin), came Walter de Springheuse, Roger de Chesterfield, and other Clerks, to the Tavern called Swyndlestock (being now the Mermaid Tavern at Quatervois, styled at this day in leases Swynstock), and there calling for wine, John de Croydon, the vintner, brought them some, but they disliking it, as it should seem, and he avouching it to be good, several snappish words passed between them. At length the vintner giving them stubborn and saucy language, they threw the wine and vessel at his head[1]. The vintner therefore receding with great passion, and aggravating the abuse to those of his family and neighbourhood, several came in, encouraged him not to put up the abuse, and withal told him they would faithfully stand by him[2].' That was all: the same narrative would be a sufficiently exact description of scores of similar conflicts at Oxford, Paris, or any other University town. After this affairs took the stereotyped course. The

[1] 'Et cum quarta caput ejus fregit.' Robert of Avesbury, *De gestis Edw. III*, ed. Thompson, 1889, p. 421.

[2] *Annals*, I. p. 456.

CHAP. XII, § 3. vintner's friends rang the bell of the Town church of S. Martin. The commonalty 'in an instant were in arms, some with bows and arrows, others with divers sorts of weapons.' The scholars, at present defenceless, were shot at. The Chancellor appeared upon the scene to 'appease the tumult:' he was shot at, and had to flee for his life back into Gown-land. By his order S. Mary's bell is rung. At such a moment the Chancellor is not overmuch distressed to find that his annual proclamation 'contra portantes arma' has not been too literally observed. Erelong he is at the head of an army of English archers. With such weapons it is difficult to understand how the fight could have been maintained till even the close of a February day without a single man on either side being killed or mortally wounded. But neither townsmen nor gownsmen were as skilled with their weapons as the yeomen of Cressy. The fight had begun on a holiday: the next day was a 'legible' one. The Chancellor made proclamation against breaches of the peace. The obedient scholars, we are assured, betook themselves meekly to the Schools. But not so the townsmen. The Bailiffs had ordered the citizens to prepare for a renewal of hostilities, and had even hired reinforcements of peasants from the surrounding country. A 'determination' which was going on at the Augustinian Convent (the present Wadham College) was broken in upon by a band of armed townsmen. Fourscore citizens, armed with bows and arrows, laid wait in S. Giles's Church till after dinner, when the scholars began to appear in their accustomed recreation-ground in Beaumont fields. This time some of the scholars were mortally wounded. Again the rival bells of S. Mary's and S. Martin's were heard, and preparations made for a pitched battle. The gownsmen shut the town gates, for the rustics were seen swarming in from Cowley, Headington, and Hinksey; but it was too late to prevent a party of some 2000 entering, with an ominous black flag displayed, by the West gate. Hatred of the secular clergy was a pretty strong passion in the rustic mind of the fourteenth century. Now was a fine

opportunity for paying off old scores against the Parish Priest. Some twenty Inns or Halls were pillaged. Scholars were killed or wounded; their eatables and drinkables plundered; their books torn to pieces; the Halls themselves were fired. The next day the Chancellor is despatched, at the head of a deputation, to the King at Woodstock. Meanwhile proclamation is made that the scholars (who had been outnumbered and completely overpowered on the preceding day) shall remain in their houses. But again the Halls are broken into. More scholars are killed outright in cold blood and their bodies mutilated. Others, horribly wounded, are carried off to the town prison. 'The crown of some chaplains, viz. all the skin so far as the tonsure went, these diabolical imps flayed off in scorn of their clergy.' Churches supply no sanctuary. The fugitives are beaten and wounded, clinging to the very altars, nay, to the tabernacle itself. The Friars, forgetting for the moment their own very bitter differences with the University, come out in solemn procession bearing the host and chanting a Litany for peace. The crucifix is planted in the midst of the rioters with a 'procul hinc ite profani': but the sacred symbol is dashed to the ground. One scholar is killed even while clinging to the Friar who bears the host. At last the scholars begin to flee the town, and no further mischief remains to be done[1]. But for the scholars of Merton,

[1] The account sent to the Bishop by the Masters, and the Bishop's Interdict, &c., are given in Linc. Reg. Gynwell, ff. 67-70 (partly copied in Twyne, V. 137; where also are extracts from the lost City Red Book; see also Twyne, MSS. XXII. p. 316); the petition of the Burgesses and the answer of the University in Twyne, IV. p. 76 *sq.*, and several writs relating to the affair in Twyne, IV. pp. 570, 571. See also Robert of Avesbury, pp. 421-423; Leland's *Itinerary*, vol. VI. pp. 141-146; Adam of Murimuth (ed. Thompson, 1889), p. 421 *sq.*; *Chron. Angliæ auctore monacho S. Albani*, ed. Thompson, 1874, p. 31; Bodley MS. 859, ff. 292 *b*-294 *b* (a Latin poem); Rot. Pat. 29 Ed. III, p. 1. mm. 13, 16 *dorso*, 36; p. 2, m. 26. A few of the documents are now printed by Thorold Rogers in *Oxford City Documents*, p. 245 *sq.*, and others by Ogle, *Royal Letters*, Nos. XXXIV-XLV; App. No. III. See also Turner's *Catalogue of Charters in the Bodleian Library*, p. 282.

CHAP. XII, § 3. safe behind their solid walls, and a few others, the town is deserted [1].

But now comes the day of vengeance. For more than a year the Town lies under an Interdict, which is proclaimed in all the churches with the accustomed paraphernalia of bells and curses and extinguished tapers. The King issues a special commission for the investigation of the affair and the punishment of the offenders. The Mayor and Bailiffs are sent to the Marshalsea prison; the Sheriff—who was held, we may presume, responsible for not preventing the inroad of the rustics—is removed from his office. The further hearing of the affair is adjourned to London. Both University and Town surrender all their Privileges and Charters—the University including even those received from the Holy See—into the King's hands. The University had, of course, decreed a 'cessation,' and indeed most of the scholars had of their own accord fled into the country. Not till a general pardon was proclaimed for the offences of the Clerks—an indication, by the way, that the scholars' conduct in the affair had not been altogether as lamb-like as their advocates represented—and published throughout the country did they begin to flock back to their old haunts. As late as June 11 [2], 1355, it was necessary for the King to send a writ to Oxford to entreat the Masters to resume their lectures.

New privileges for the University.

As the outcome of the whole affair there resulted fresh privileges for the University, fresh humiliation for the Town. The assize of bread, wine, and ale; the assize of weights and measures; the cognizance of cases of forestalling and regrating; the 'correction of victuals'; the punishment of both clerks and laymen for carrying arms; the cleansing and paving of the streets (which was to be enforced by ecclesiastical censure); the 'assessment and taxation' of privileged persons—all these matters were now placed under the sole and exclusive jurisdiction of the

[1] 'Nonnulli in eadem Villa præ timore Laicorum latent in abscondito.' Ogle, No. XXXIV.

[2] Rot. Claus. 29 Ed. III, m. 23 *dorso* (Rogers, p. 257).

Chancellor. The forfeitures for unwholesome or 'incompetent' victuals were still to go to the Hospital of S. John. This provision might be held to throw an unpleasant light upon the obscure question of medieval hospital management, but here (as in former cases) it is not quite clear whether it was the victuals themselves or merely the pecuniary fines for selling them that were devoted to charitable uses and the benefit of the Sovereign's soul. On every one of the long-standing subjects of contention between Town and University the latter scored a permanent triumph. From this time forward the Town of Oxford was practically governed by the University[1]. The University thrived on her own misfortunes.

Penalties for the Town.

No less than £250 was to be raised by the citizens and paid to the Chancellor and scholars as compensation for all injuries except death and mayhem; the goods of the scholars which had been seized by townsmen were to be forthwith restored[2]. Besides the material compensation which they received from the Crown, the scholars were accorded an ample measure of what may be called ecclesiastical satisfaction at the hands of the Bishop. He enjoined on the City as a condition of the relaxation of the Interdict what was nothing less than an annual penance to be performed by the Mayor and chief citizens for ever. On every anniversary of S. Scholastica's day the Mayor, Bailiffs, and sixty burghers were to appear in S. Mary's Church at the celebration of Mass with Deacon and Subdeacon (at their own expense) for the souls of the slaughtered scholars, and at the offertory each one of them was to offer one penny at the high altar. Of this sum forty pence was to be distributed by the Proctors among poor students and the rest to go to the Curate of the Church[3]. The length of

[1] Rot. Chart. 29 Edw. III, n. 5 (Hare, *Priv.* f. 74; *Registrum*, p. 23). At the same time the power of the Chancellor to punish breaches of the peace by laymen, even when no scholar was aggrieved, was explicitly recognized and the Sheriff of Oxford required to take oath to respect the privileges of the University.

[2] Rot. Claus. 29 Ed. III, m. 17.

[3] *Mun. Acad.* pp. 190-202; Rot. Pat. 31 Ed. III, pt. ii. m. 26 (Ayliffe, II. *App.* p. lv).

CHAP. XII, § 3. time during which this penance has been performed is one of those curious links between past and present which would hardly have been possible in any country but our own. After the Reformation the Town availed itself of the opportunity of neglecting the Popish ceremony. But upon the University bringing an action against the City upon their old bond for its observance, the Council ordered that the Mass should be commuted to a sermon and Communion, the offering to be made as heretofore. After a few years the service was changed to a Litany. In the year 1800 the Municipality once more attempted to shake themselves free from the humiliating observance. Once more the fine of 100 marks provided for in the bond was demanded by the University and paid by the town. It was only in 1825 that on the humble petition of the City the University was graciously pleased to forego its rights, and that the citizens of Oxford ceased to do annual penance for the sins of their forefathers on S. Scholastica's day, 1354[1].

No executions.

The most curious part of the whole business is that we hear nothing of the sentence passed on the actual criminals. Several of the chief offenders are expressly excepted from the brief granted after the settlement of the affair, by which the accused were allowed to go out on bail. These were apparently reserved for trial at the Assizes[2]. There can, however, be little doubt that they escaped hanging. Even the Mayor who had been the principal offender seems to have spent some years in prison, but he died rich and a liberal benefactor to Mother Church. The contrast between the mildness of the penalties inflicted on the actual ringleaders, and the severity of those imposed on the community, is very characteristic of medieval notions. Corporate privileges carried with them corporate responsibility.

[1] Archives, A. 13; Cox, *Recollections*, pp. 112, 113.

[2] Rot. Claus. 29 Ed. III, m. 17; Ogle, Nos. XXXVII, XLIV. The last document is dated Nov. 17, 1357. Yet by the Order in Council of July 17, 1355 (Ogle, App. No. III) it would seem that even the Mayor was to be bailed. It is not improbable that some of the offenders may have continued in outlawry (some possibly even in prison) till the general pardon at the King's jubilee in 1362 (Ogle, No. XLV).

Clerks of the Market.

It was to secure the better exercise of the supervision over the market conferred upon it at this time that the University appointed the officers known as 'Supervisors,' or 'Clerks' of the Market[1]. The office still remains, though many of its functions have disappeared with the abolition of the old state-regulation of prices and other restrictions on trade: but the Clerk still exercises the power of summarily confiscating false weights and measures, and butter which is under weight.

Jurisdiction of University's Steward, 1405.

Only one important accession of privilege remains to be recorded. Henry IV gave the University the right to claim the surrender of 'privileged persons' indicted for felony, who were thereupon to be tried by a newly-constituted officer of the University, the Seneschal or Steward, to be appointed by the Chancellor, provided the Lord High Chancellor were satisfied of his competence. The trial was then to take place according to secular law by a jury composed half of privileged persons out of a panel returned by the Bedel, and half of townsmen summoned in the ordinary way by the Sheriff of the County[2]. The Commons petitioned against this unconstitutional if not illegal Charter, but in vain, and the University still retains this anomalous privilege as well as the older jurisdiction conferred on the Chancellor's Court[3], both being now sanctioned by a special Act of Parliament.

Not extended to clerks.

It should be clearly understood that in its origin the privilege affected only the case of privileged laymen, servants of scholars, and members of privileged trades, such as writers and stationers[4]. Where the offender was

[1] 'Supervisores marcati' are not mentioned after this date till 1507 (for Clerks of the Market when the City still had control, see Ogle, No. XXII). We hear, however, of 'supervisores panis,' 'vini,' and 'cerevisiæ' from 1454. On the whole subject, see the article in *Collectanea*, II. p. 1 *sq.*, by Octavius Ogle who filled this office for many years.

[2] Rot. Cart. 6 and 7 Hen. IV, No. 3; *Registrum*, p. 47.

[3] The Steward also held a Court Leet in the name of the University. See Twyne MSS. XIII.

[4] In 1454 they are thus defined (*Mun. Acad.* p. 346): 'the Styward of the Universite and fredmen of the same Universite wyth their menyall men, also alle Bedells with their dailly servants and their housholds, alle

CHAP. XII, § 3. a clerk, even in those more serious cases which were not triable by the Chancellor, he was after conviction at Assizes[1] surrendered to the Bishop to be dealt with according to ecclesiastical Law[2]. In the majority of cases he was probably 'admitted to purgation,' i. e. allowed to get a number of other tonsured ruffians to join him in swearing that he had not done it, and was thereupon discharged. If he was refused purgation, or failed in his

stacioners, barbours, the belle-rynger of the Universite, with all their housholdes, all catours, manciples, spencers, cokes, lavenders, povere children of Scolers or clerks [i. e. boy-servitors] within the precinct of the said Universite, also alle other servants taking clothing or hyre by the yere, half-yere, or quarter of the yere, taking atte leste for the yere vi shillings and viii pence, for the half iii shillings and iv pence, and the quarter xx pence, of any doctour, Maister, graduat, Scoler, or clerc, withoute fraude, or malengyne. Also all common caryers, bryngers of Scolers to the Universite, or their money,' &c.

[1] Sir James Stephen speaks of this principle—that a clerk should not be surrendered till after conviction—as settled by the practice of the Courts by the time of Henry VI (*Hist. of the Criminal Law*, London, 1883, I. p. 460). But it was the usual practice much earlier. The jury was impanelled 'ut sciatur quales liberari debent Episcopo' (i. e. whether as guilty or not guilty). See the proceedings at the Oxford 'Eyre' of 1285 (*Oxford City Documents*, ed. Thorold Rogers, Oxf. Hist. Soc. 1891); and the same usage seems to have generally prevailed. Moreover, a constitution of Abp. Peckham enacts that 'clerici pro suis criminibus detenti a publica potestate, et tandem *pro convictis Ecclesiæ restituti*, non facile liberentur, nec perfunctorie pro eis Purgatio admittatur.' See the text with Lyndwood's comments in *Provinciale*, l. V. tit. 14, *Clerici*. At times it would appear that Bishops actually issued commissions to the King's Justices to try clerks (so Bp. Burghersh in 1322: Linc. Reg. f. 51 *b*). There were exceptional cases—at Oxford as elsewhere—in which a clerk was hanged, e. g. in 1327, when scholars assisted the citizens of Abingdon in plundering the Monastery. See documents in Twyne MSS. XXIII. p. 220 *sq.*; Wood, I. p. 412. So in 1285, when Rogers (*l. c.* pp. 191, 223) thinks that the offender had previously pleaded his clergy. At about the end of the fifteenth century the judges would only surrender clerks in grave cases *sine purgatione*, with directions that the Bishop was to imprison them for life (Stephen, *l. c.*; Hale, *Precedents and Proceedings*, London, 1847, p. lvii. *sq.*). In 1489 we find a somewhat anomalous commission for the trial of a scholar issued to the Duke of Suffolk, the Mayor and five others (*Materials Illustrative of the Reign of Henry VII*, ed. Campbell, II. p. 482).

[2] This was the usual course, but in 45 Henry III a commission to the Judge of Assize at Cambridge provides 'ita tamen quod ad suspensionem vel mutilationem clericorum non procedatis sed eos *alio modo per concilium Universitatis Cantabr. castigetis*' (Fuller, *Hist. of Camb.* ed. Prickett and Wright, p. 29).

purgation, he was liable to whatever period of imprisonment in the Bishop's prison the ecclesiastical judge might order. But in a majority of cases the convicted clerk probably got off with a very moderate penance. Lay dependants of the University of course enjoyed no such privileges; hence the necessity for the Steward's Court. After the Reformation, however, clerks could no longer claim any further benefit of clergy than laymen, nor were members of the University treated as clergymen. Consequently the provisions of the charter became applicable to all members of the University convicted of treason or felony, and were not unfrequently put into force.

The precinct of the University.

In the same reign the hitherto vague limitation of the Chancellor's jurisdiction to the 'precinct of the University' received a more exact definition. It was declared to extend to the Hospital of S. Bartholomew on the east, to Botley on the west, to Godstow Bridge on the north, and to Bagley Wood on the south [1].

Subjection of Town.

By the middle of the fifteenth century the Town had been crushed, and was almost entirely subjugated to the authority of the University. The burghers lived henceforth in their own town almost as the helots or subjects of a conquering people. Whatever ups and downs there may

[1] Rot. Cart. 2 Hen. IV, pt. i. No. 2 (Hare, *Mem.* f. 116). The power of banishment beyond the limits of the town itself was probably assumed in the first instance as a part of the Chancellor's ordinary criminal jurisdiction, being a usual punishment in town-courts. It was exercised early in the fourteenth century (Linc. Reg. Dalderby, f. 27*b*); and it is expressly recognized in 1355 (Ogle, No. XLIII). In 1444 it is defined as extending, in the case of 'contumacious and rebellious persons,' to twelve miles round Oxford (*Mun. Acad.* p. 540), though a later Charter of 1459 (Rot. Pat. 37 Hen. VI, pt. i. m. 7; Ogle, No. LXXV.) limits it (while professing merely to extend the existing power of banishment) to ten miles with reference to 'omnes pronubas et mulieres incontinentes.' In this last case the power has been exercised very recently. In 1482 we find in the Proctors' accounts, 'Pro delacione collistrigii ad quadrivium pro punitione unius mulieris bannite, iiii*d.*' (Archives, W. P.—Y. 28). As to the power of 'discommuning' still occasionally exercised by the University, Twyne (XXIII. 491) declares that he knows of no express grant of it. It must be taken to be simply a part of the University's disciplinary power to interdict its own members from 'commercium cum oppidano.'

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have been from time to time in the battles of the streets, the constitutional relations between the two populations continued to be regulated in the main by the settlement of 1355[1]. It is difficult at the present day to realize the extent of interference with the private lives of individuals which the system of a godly ecclesiastical discipline really involved; though it must of course be remembered that lay town-government was hardly less minutely paternal. At Oxford a very peculiar mode of enforcing this discipline was established at an early period—a mode which appears to have been practised as regards the 'excesses' of scholars as early as 1280, and to have gradually extended itself to the misdoings of the laity[2]. At irregular intervals what was termed a 'general inquisition' was instituted into the morals of the inhabitants. The town was mapped out into districts, to each of which a Theological Doctor and two Masters of Arts were appointed. These 'delegate judges' sat in the different Churches of the town and there held a general investigation into the characters of the inhabitants, a jury of citizens being summoned before them to give evidence on oath[3]. A report was then made to the Chancellor, before whom the offenders were summoned with a view to excommunication and penance. One of these reports which has been preserved gives us full statistics as to the exact number of common scolds

General Inquisition.

[1] Among the relics of this state of things which have survived till to-day or yesterday is the fact that the night-police of the City were wholly controlled and paid by the University till the Oxford Police Act of 1868. In the medieval Proctors' accounts we get charges of some £2 or £3 'pro expensis factis in nocturnis vigiliis pro custodia pacis toto anno,' but excessive expenditure on this head is often surcharged by the auditors to the over-zealous Proctors personally (Archives, W. P.—Y. 28).

[2] *Mun. Acad.* p. 42. Mr. Anstey's summary misrepresents the meaning. The 'tam per scholares . . . quam laicos' means by the evidence of a jury of scholars or laymen.

[3] This 'Inquisition' was probably a local survival of the episcopal Inquisitions by means of Synodal witnesses, or Synodsmen (whence the more modern 'Sidesman'), which elsewhere became extinct—on the Continent largely because superseded by the Papal Inquisition. Grossetête had revived this Inquisition throughout his diocese. See Lea, *Hist. of the Inquisition*, I. p. 312 *sq.*

(*objurgatrices consuetudinariæ* or *intolerabiles*), as well as of notorious evil-livers of a more serious order who were found in the parish of St. Peter's-in-the-East, in the year 1441[1]. Some of the offenders were reported merely for keeping late hours, a habit which in the fifteenth century exposed people to the gravest suspicions[2].

Mildness of Law in Medieval Towns.

In spite of the inquisitorial character of medieval police, the annals of Oxford produce an impression of the extreme mildness of English criminal law in the Middle Ages—at least in corporate towns. It may have been quite otherwise, in particular cases with the villeins of rural Lords. One meets with no such sentences as perpetual imprisonment or demolition of the offender's house, which were occasionally the fate of an oppressor of the clerks of Paris, though even there murder could generally be compounded for. When bows and arrows or daggers were employed in every street-brawl, a very slight disturbance might often terminate fatally. At Oxford homicide was so frequent that the Proctors were directed to keep lists of such offenders[3] who had been banished from the town. An execution was of the rarest possible occurrence. As a general rule homicides of a kind which in modern times would be more often treated as murder than as manslaughter were punished by a few months' imprisonment, or excommunication, or both, terminated by some kind of penance, of which a payment for the spiritual benefit of the deceased, and (if the victim was a scholar) for the temporal profit of his surviving brethren, in general formed a prominent part. Banishment from the place was in fact the only severe secondary punishment which seems to have been practically known to the jurisprudence of a medieval town[4]. To the medieval mind the main object of punishment was to produce submission and promises of future amendment.

[1] *Mun. Acad.* pp. 580–1.

[2] Instance the following:—'*Item*, dicunt iidem jurati, quod Isabella Hay custodit vigilias suspiciose et frequenter usque ad mediam noctem.' So Mauritius Kariore 'consuetudinarie custodit vigilias suspiciosas ultra tempus' (*l. c.*).

[3] *Mun. Acad.* pp. 24, 494.

[4] Townsmen were frequently pilloried—not so, of course, the clerks.

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Almost the only deterrent punishment (besides banishment) consisted in fines and ecclesiastical penances, humiliating perhaps but not severe. There was a quite intelligible feeling against the infliction of a punishment, such as prolonged imprisonment, which did not redound to the advantage of the persons inflicting it, and which would certainly have imposed a severe tax upon the innocent community. A man was only imprisoned as a means of compelling him to submit to the Court, pay his fine and swear 'not to do it again.' If he could not be caught, he was excommunicated with a like object[1]. A curious instance of this domestic system of jurisprudence occurred in the case of an 'organ pleyer' of All Souls, who was imprisoned for adultery, but upon his 'weeping bitterly' the Warden was inspired with 'good hope of him for the future,' and became surety for him[2]. Whereupon he was discharged without further penalty after a few hours' incarceration.

Frequency of Assault.

The great mass of the criminal business of the Chancellor's Court consisted in the settlement of assault cases of one kind or another. It must be remembered that in the Middle Ages it was not merely freshmen or young noblemen who were involved in street-brawls and assaults, but Masters of Arts, Monks, Friars, beneficed Clergymen, Principals of Halls, even Heads of Colleges. Thus, within a period of ten years, we find two successive Vicars of S. Giles's in trouble. One of them was merely bound over to keep the peace; the other 'forfeited his club and paid two shillings[3].' A schoolmaster is imprisoned for inciting his scholars to drag from the pulpit a Priest who was reading his excommunication[4]. Some of his devoted pupils afterwards joined him in gaol for attempting a nocturnal rescue. The Warden of Canterbury was convicted of consenting to his scholars violently seizing the beer of others to the value

[1] In the earliest period, as we have seen, the Chancellor generally proceeds by excommunication. When he had acquired the power of imprisonment both of clerks and laymen, he was disposed to rely chiefly on the secular arm, though excommunication as well as imprisonment is frequently threatened in his edicts.

[2] *Mun. Acad.* p. 674.

[3] *Ib.* pp. 588, 668.

[4] *Ib.* p. 601.

of 12*d.*[1]. He was merely required to pay the value of the beer to the complainants. There was a regular tariff of charges for various kinds of breaches of the peace varying from 12*d.*—about a week's battels for a poor scholar—for threats to 40*s.* for 'resisting justice' or 'nocturnal wandering.' This last enormity, it is curious to note, is punished twice as severely as 'shooting an arrow with intent to injure,' nor was the usual punishment increased even when the victims chanced to be the 'Northern Proctor and his attendants[2],' the offender being merely imprisoned till his fine was paid. It should be added that in the Chancellor's Court—as in England generally—immense use was made of the system of sureties. There are half a dozen cases where sureties to keep the peace or be of good behaviour are required for one in which any actual penalty is inflicted[3].

Inquisitorial Jurisdiction.

There really seems to have been hardly any limit to the extent to which the private life of citizens as well as scholars was liable to regulation in the Chancellor's Court. Its procedure was no doubt much the same as that of town courts elsewhere; but in ordinary municipalities the system was administered by elected magistrates. Brewsters and taverners are pilloried or (if incorrigible) banished for brewing bad beer[4], bakers for giving light weight. A manciple is punished for playing cards all night[5]. Certain tradesmen are required solemnly to abjure the game of 'tennys' within Oxford and its precincts[6]: two others are imprisoned for speaking words against the office of Proctor, until they swear to be faithful to the University in word and deed[7]. Every species of quarrel in which a scholar or privileged person was concerned was brought into the

[1] *Mun. Acad.* p. 506.

[2] *Ib.* p. 666. The scale is fixed by a Statute of 1432 (*ib.* p. 314), which remarks in the preamble that 'there is no better means of punishment in these days' than fines, which are more feared than anything else.

[3] The amount annually returned into the University Chest by the Proctors 'pro de transgressoribus et perturbantibus pacem' was often only some twenty or thirty shillings. (*Archives*, W. P.—Y. 28.)

[4] *Acta Curiæ Cancellarii* (Aaa.), *passim*.

[5] *Mun. Acad.* p. 30.

[6] *Ib.* p. 602.

[7] *Ib.* p. 556.

CHAP. XII, § 3. Chancellor's Court, and, in nine cases out of ten, referred to arbitration or settled by an agreement drawn up under the auspices of the Chancellor.

Amicable settlements.

In this way servants often settled their wages with their masters, writers with the stationers who employed them, and so on [1]. In one case an agreement between a schoolmaster and the Prior of the Canons Regular, who had quarrelled, contains a clause providing that the parties should partake of an amicable meal together in the hall of the Prior's College [2]. In another, bad blood having arisen between two Halls, it was agreed that the Principals should kiss each other, and be reconciled [3]. This parental system of adjusting disputes was no doubt well adapted to the wants of an age in which full-grown and well educated men fought and quarrelled and informed against one another on the slightest provocation, like children in a nursery. Few things are more calculated to make one realize the enormous extent to which civilization has succeeded in curbing and controlling the natural passions even of the lowest strata of modern society than the annals of a medieval University.

Expulsion of Irish, 1423.

It is instructive, by the way, to notice that by the beginning of the fifteenth century Saxon oppression had already, it seems, developed the well-known characteristics of the Irish race. Their turbulence, exceptional even in the University towns. led in 1413 to the passing of an Act of Parliament banishing them from the Universities. Religious and graduates were excepted from the provision, but even these were required to find security for their good behaviour [4]. After a temporary relaxation, the expulsion was actually carried out in 1423, except in the case of clerks producing certificates from the English authorities in Ireland that they were subjects of the King of England [5].

We have noticed the incessant oaths of amendment on

[1] The cream has been skimmed from the *Acta Curiæ Cancellarii* in *Mun. Acad.* pp. 505–727.

[2] *Mun. Acad.* p. 713.

[3] *Ib.* p. 553.

[4] Rot. Parl. IV. p. 13; Wood, I. p. 557; Rot. Claus. 1 Hen. V, m. 8.

[5] Rot. Parl. IV. p. 190.

Purgation.

the part of accused persons. Still more at variance with modern notions was the practice of allowing a plaintiff who confessedly could not prove his case to require the defendant to clear himself on oath. Sometimes persons merely suspected or accused by common report of discreditable conduct appeared in Court to set their character right with their neighbours. Thus on one occasion the Principal of White Hall insisted on being allowed to swear that he was not a Scotchman[1]. In some cases—in charges of immorality, of theft or fraud, and even in actions of debt—the extraordinary system of compurgation, everywhere employed by the ecclesiastical Courts in dealing with the offences of the clergy, was adopted in the Chancellor's Court. In these cases, besides the defendant's own oath to his innocence, twelve or some smaller number of other clerks were called upon to swear that he had spoken truly. This was the usual termination of all criminal prosecutions against the clergy in other Courts for all offences from murder downwards. The only way in which the procedure of the Chancellor's Court differed from that of the ordinary Bishops' Courts is that at Oxford clerks really did suffer minor punishments—fine and banishment—whereas elsewhere they would too often have gone scot free. Another peculiarity of the Chancellor's Court was its jurisdiction over the very large number of scholars' servants, and persons belonging to various trades specially connected with the University, who had been admitted to the same privileges as actual scholars. The wide extension thus given to University privilege is specially characteristic of the English Universities.

[1] It is entirely misleading with Mr. Anstey (*Mun. Acad.* p. 631) to call the admission to compurgation a 'trial by a jury of twelve men before the Chancellor.' In ordinary ecclesiastical Courts, when a clerk offered to purge himself, no evidence could be offered for the prosecution. At Oxford people could, indeed, object to the clerk being admitted to purgation, but only, as Chancellor Gascoigne remarks, at the risk of death or mutilation: hence that excellent Chancellor warns his successors against too great facility in admitting to purgation, which was at Oxford 'occasio intolerabilis nequitiæ.' *Ib.* p. 536.

§ 4. The University and the Church.

CHAP. XII. § 4.

Original position of Bishop.

The relation of the University as a body and of its individual members to the ecclesiastical authorities is, as we have seen, an entire blank up to the year 1214. The University was in a sense the child of ecclesiastical anarchy, and its subsequent history was not unworthy of such an origin. But the restoration of ecclesiastical order for a time placed the University entirely under the control of the Bishop of Lincoln. In the closeness of the relations between the University and the Bishop, Oxford in its earliest days resembles rather some of the smaller Universities of France, such as Orleans or Montpellier, than Paris, where a powerful Chapter and a capitular Chancellor stood between the Bishop and the University. What differentiates the position of Oxford from that of Angers or Orleans is the distance of the episcopal City. The closest, indeed the only close, parallel to the Oxford constitution is found in the Medical University of Montpellier, where alone we find an elective Chancellor, who is at once the Bishop's officer and the Head of the University—where also the University was not actually in the Bishop's See, though Maguelone is only a few miles from Montpellier, while Oxford is some 120 miles from Lincoln; and this latter circumstance is the determining factor in the process by which Oxford became emancipated from the jurisdiction, first of the Bishop of the diocese, and eventually even of the Metropolitan and Primate of all England.

The Chancellor the Bishop's delegate.

In the period immediately after 1214 the Bishop, besides exercising his ordinary jurisdiction over Masters and scholars, claimed at times to regulate matters of purely academical concern. The Chancellor was merely his officer, and enjoyed just so much authority as the Bishop chose from time to time to delegate to him. His jurisdiction was merely concurrent with that of the Bishop and Archdeacon and their respective Officials. Thus in the case of a serious crime we find Henry III refusing to allow the surrender of a batch of imprisoned clerks to the Chancellor, and requiring

it to be made to the Bishop or his Official[1]. So long as the See of Lincoln was filled by Robert Grossetête—the most distinguished son that the infant University had yet produced—almost unbroken harmony prevailed between the University and the Diocesan. The University was encouraged and protected by the Bishop, who addressed to the Masters truly paternal admonitions as to the method of their studies, which seem to have been received in the spirit in which they were given[2]. It was not till the accession of his successor, Henry of Lexington, in 1254, that the first disagreements broke out. It was possibly in consequence of this Bishop's interferences with the liberties of the University that the Masters in that year procured from Innocent IV the confirmation of their Statutes. At the same time the Bishops of London and Salisbury were appointed Conservators of the 'rights, liberties, and immunities of the University[3].' This provision did not, however (like the corresponding arrangement at Paris), materially affect the development of the University. The jurisdiction which at Paris was entrusted to the Apostolic Conservator was at Oxford exercised by the Chancellor himself. It was only against the Bishop of the diocese, who could not well be excommunicated by his own Chancellor, that the University required external Conservators, and it would be difficult to produce an instance of the exercise of these powers by the Papal Conservators. No regular Court of Conservation ever sat at Oxford[4].

Hostility of Bishop Lexington.

Conservators Apostolic.

[1] Adam de Marisco, *Ep.* 110 (*Mon. Francisc.* I. p. 115). The reason given is that the offences might be such as to require 'deposition' or 'degradation.' This power the Chancellor appears never to have possessed, even in the height of his importance. Yet after 1369 it would seem that no one else (except the Pope) could have legally passed such a sentence. The punishment was, however, one which (except in case of heresy) was almost as unknown to the Ecclesiastical Courts in the Middle Ages as it is unhappily at the present day.

[2] *Epistolæ*, No. 123 (ed. Luard, p. 346).

[3] *Mun. Acad.* pp. 27, 29. It is observable that the liberties of the University are recognized as in part resulting from the concession of the Bishop. Cf. 'libertates et immunitates ab *Episcopis*, Regibus, Magnatibus et aliis Christi fidelibus rite concessas.'

[4] There is, indeed, a letter in the University Letter-Book (F. f. 38:

CHAP. XII, § 4. Settlement of 1257.

The dispute with Bishop Lexington went on till 1257, when a peace was arranged before the King in Parliament at S. Alban's. What were the terms of the arrangement is not known[1], but from an incident which occurred in the following year it would appear that the Bishop objected to all manifestations of autonomy on the part of the University. The real question was whether the University of Oxford should be governed by itself or by the Bishop. It will be remembered that it was but very recently that the University had begun to reduce its unwritten customs to written Statutes, and the opposition which it encountered from Lexington was nearly as decided as that which the Masters of Paris experienced at the hands of the Chapter and Chancellor at a precisely similar stage in their constitutional development some forty years before. The Masters had passed a Statute denouncing the penalty of suspension from Regency (which was to be inflicted not by the Chancellor but by the Proctors) for non-attendance at Congregation. As the Masters lectured by virtue of the Licence which the Chancellor bestowed as the Bishop's representative, the Bishop regarded the new Statute as an infringement of his prerogatives. The Chancellor, though theoretically the Bishop's officer, was already completely identified with the interests of the University, and had expressly assented to the Statute. But the Archdeacon of Derby (perhaps as the Bishop's Official) entered a protest on behalf of the Diocesan. It does not appear, however, that anything came of it beyond a formal acknowledgment on the part of the University that they did not intend by their Statutes

Twyne, VII. f. 91) calling upon the Bishop of London to act as 'nostre Universitatis conservator specialis' (? *circa* 1411).

[1] Mat. Paris, *Chron. Maj.* vol. V. p. 648. It was on this occasion that the historian, pleading for the University with the King, used the celebrated expression about Oxford being 'the second school of the Church'—'Universitas enim Parisiensis, tot altrix et magistra sanctorum prælatorum, non mediocriter perturbatur; si similiter uno tempore perturbetur Oxoniensis Universitas, cum sit schola secunda Ecclesiæ, imo Ecclesiæ fundamentum, timendum est vehementer, ne Ecclesia tota ruinam patiatur.'

'to prejudice the said Bishop or his successors or the Church of Lincoln[1].' CHAP. XII, § 4.

The Royal jurisdiction granted to Chancellor only.

Originally, as has been said, the Chancellor's right to demand the surrender of imprisoned scholars was shared with the Archdeacon and the ordinary Official of the Bishop. The Bishop was at any moment entitled to supersede the authority of the Chancellor, and there was of course an appeal from him to the Bishop. The later Royal grants of privilege were, however, made in favour of the Chancellor's Court only: and the Chancellor thus obtained an exclusive right to demand the surrender of scholars in all cases to which his jurisdiction extended, i. e. all except homicide and mayhem or (later) felony. In those cases the surrender was presumably made to the Bishop, but only after indictment at Assizes[2], and the clerk was punished, or more often escaped punishment, in the same way as other clerks. The independent jurisdiction conferred upon the Chancellor by successive extensions of Royal privilege, combined with the unique character of the office, the vague and mysterious authority supposed to reside in the University, the facility with which in the Middle Ages the custom of a decade or two was held to establish inalienable rights, combined to make the Chancellor practically independent of the distant prelate from whom he derived his commission[3], even before he obtained canonical immunity from the great sanctioner of all successful ecclesiastical usurpation in the medieval world.

Growth of Chancellor's powers under Bishop Gravesend and Archbishop Peckham.

In the episcopate of Lexington's successor, Richard of Gravesend (1258–1279), we hear little of any conflict between the Bishop and the University, and during the reign of this peaceable prelate it would seem that the University managed to effect considerable inroads on the episcopal prerogatives. In the last year of this Episcopate (1279), Archbishop Peckham and his comprovincials as-

[1] *Mun. Acad.* p. 30; *Ann. Monastici* (Burton), ed. Luard, vol. I. p. 436.

[2] See above, p. 410, n. 1.

[3] The favourite residence of the Bishops of Lincoln was at Bugden or Buckden in Huntingdonshire, some sixty miles from Oxford.

CHAP. XII, § 4. sembled in Council at Reading solemnly confirmed the privileges of the University and provided for the effective exercise of the Chancellor's power of excommunication by enjoining that his sentences should be duly executed in any diocese to which the offender might have escaped and denouncing a penalty of three years' sequestration against beneficed disturbers of the University's peace[1].

Privileges asserted against Bishop Sutton, 1280.

The next bishop, Oliver Sutton, from the moment of his accession became involved in a dispute with the University[2]. In the year 1280 we find Congregation solemnly swearing to maintain against the Bishop the four following rights as based on custom 'from time out of mind':—(1) That a scholar might cite a lay defendant before the Chancellor[3]; (2) That the probate of scholars' wills belonged to the Chancellor[4]; (3) That the right of 'inquisition' into the moral delinquencies of scholars belonged to the Chancellor; (4) That no Master could be compelled to plead in any Court but the Chancellor's in respect of contracts entered into within the University. In the following year we find the Chancellor, Proctors, and other Masters summoned to Buckden to answer before the Bishop for their 'contempt' in resisting his visitatorial power, and a batch of other Masters and scholars summoned to answer charges of

[1] *Mun. Acad.* p. 39. The original with the seals of the Archbishop and his Comprovincials is in Archives, Pyx I. (W. P.) 2 (but some of those mentioned in *Mun. Acad.* p. 41 are wanting and were never there). It should be added that the decree distinctly recognizes the University itself as sharing the Chancellor's right of Excommunication: 'sententiis per Cancellarium vel iudices inferiores deputatos ab eo vel per Cancellarium ipsum una cum tota universitate quandoque regencium, quandoque solorum regencium, quandoque regencium et non-regencium,' &c.

[2] The excommunication (renewed by Dalderby in 1314) against those who make or introduce Statutes or customs 'que magis proprie abusiones et abhominationes dicuntur' against the rights of his see, probably belongs to this period. Reg. Dalderby, f. 265 (Twyne, VII. f. 376 *b*).

[3] At this time the Chancellor certainly possessed such jurisdiction by Royal privilege in civil matters (see above, pp. 394, 398); it might be disputed how far it extended to spiritual cases.

[4] 'Et procuratores' is found in the Proctors' books but is erased and then written over in the Chancellor's book. If it is genuine, the usurpation is the more remarkable as the Proctors had certainly never been entrusted with spiritual jurisdiction.

incontinence which had been brought against them at the recent Visitation. The Chancellor and Proctors pleaded that a general commission had been given to the Chancellor by the Bishop's predecessor, and that by long custom the jurisdiction in such cases belonged to the Bishop only 'in defect of the Chancellor' or by way of appeal in the last resort, after appeal had been made in vain to the Congregation of the University[1]. Of this appellate jurisdiction in spiritual cases claimed by the University I shall have something to say hereafter: at present it may be noted that, though apparently recognized by the Bishops at Reading, it rested originally upon no legal or canonical basis whatever, and is one of the most astonishing instances in history of the success of barefaced assertion and bold usurpation. The question was at length brought before a provincial Synod or Convocation, when the Archbishop and his colleagues warmly took the part of the University, and the Bishop was compelled to concede all that the University wanted, with a barren protest that he did it as an act of pure and voluntary grace. From this time forward the Chancellor's jurisdiction was practically exclusive of the Bishop's in all ordinary cases[2]. Sutton was the

[1] The University alleged that 'correctiones huiusmodi non nisi in defectu Cancellarii et universitatis iuxta gradus et ordinem per viam appellacionis in causarum cognicionibus observatum ad cognicionem episcopi pertinerent.' Original in *Archives*, I. (W. P.) 5 (Twyne, I. pp. 65–6, XVII. p. 418).

[2] A Synodal Constitution of the Bishop giving a general confirmation of privileges was made in Aug. 1280 (original lost); Twyne, VII. p. 366. A 'Compositio' leaving the visitation of Masters and Scholars to the University by special favour, is dated A. D. 1281 (Original in Archives, I. (W. P.) 5). The Council of Bishops there referred to will probably be the Convocation at Lambeth in 1280 (Wilkins, II. p. 42). Of course there remained extraordinary exertions of the episcopal jurisdiction which the Chancellor did not claim, such as the power of Interdict, Deprivation, or Degradation. There remained also a doubt as to the relations between the Chancellor and the Archdeacon of Oxford, which culminated in a suit between the University and Cardinal de Mota, Archdeacon of Oxford, in consequence of the extortions and encroachments of the Officials to whom the absentee Archdeacon had farmed out the Archdeaconry. It appears that the dispute related chiefly to (1) jurisdiction over clergy beneficed or serving Churches in Oxford, (2) privileged persons other

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last Bishop who seriously attempted to interfere with the ordinary course of appeal from the Chancellor's Court to the Regent Congregation and thence to the full Congregation of Regents and Non-regents[1]. There remained the right of appeal to the Bishop, though even that would appear to have fallen into practical desuetude before it was formally abrogated. Formal assertions of the Bishop's ancient rights continued to be made from time to time, but by the beginning of the fourteenth century the University had practically become the stronger power of the two[2].

than scholars and the probate of their wills. The controversy, which began before 1325, was settled by consent in 1345, when it was decided that the Chancellor alone had archidiaconal jurisdiction over scholars (except those serving Oxford cures) as well as over a limited number of privileged tradesmen, except in respect of the probate of wills of writers. Over scholars serving parochial Churches the Archdeacon retained his jurisdiction in respect of the fabric, goods and services of the Church, but without prejudice (apparently) to the Chancellor's general power of correction. *Mun. Acad.* pp. 148–52. See also the documents (ed. Henson) in *Collectanea*, I. pp. 8–9, 16–27; Wilkins, *Concilia*, II. 526-528; Rymer, IV. (1707) pp. 189–191, 375, 385, 411–413; Archives, Pyx I. (W. P.) 11. (Twyne, VII. f. 396 *b*.)

[1] The Bishop appended to his confirmation a protest against a number of usurpations on the part of the Masters, especially their claim 'se non posse aliquo modo trahi coram Episcopo extra municipium Oxon. si de ipsis querela deponeretur uel eciam ab ipsis appellaretur Episcopus, quodque non posset admitti appellatio interposita ad Episcopum a Cancellario nisi servaretur gradus appellando primo a Cancellario ad universitatem regencium et secundo regencium et non-regencium.' I.inc. Reg. (Sutton, f. 3). The Commission was granted 'donec aliud vobis super hoc dederimus in mandatis.' Again in 1291 the Bishop raises technical objections before he would consent to confirm the Chancellor 'de gracia speciali,' and declares that the University 'reuerti ad antiquam stulticiam suam' (Reg. ff. 50, 51). In 1297 he grumbles at the University speaking of their electing instead of nominating a Chancellor (Reg. f. 178 *b*). In 1314 Bishop Dalderby drew up a letter against those who infringed the Episcopal rights in the University of Oxford by their 'illicit confederacies and mutual conspiracies,' 'sed non fuit ista littera executa' (Reg. f. 260). He renewed, however, Sutton's excommunication against those who made Statutes to the prejudice of his See (Reg. f. 264 *b*), and fulminated 'contra usurpantes iurisdictionem in universitate Oxon. Cancellaria vacante' (Reg. f. 265 *b*). Bishop Beck in 1343 also objects to the term 'election,' and confirms 'de gracia speciali' (Reg. f. 88 *b*).

[2] In 1284 it is still necessary for the Archbishop to write to the Bishop of Lincoln on behalf of the

Metropolitical Visitations.

In England the archiepiscopal jurisdiction was a very formidable reality. The Archbishop claimed and exercised a general power of hearing in the first instance or calling up into his Court cases from all parts of his province without waiting for the decision of the diocesan judge. Metropolitical Visitations, during which the whole authority of the Bishop was suspended, were of not infrequent occurrence. Two very important Visitations of the University were held in the course of the thirteenth century, by Kilwardby in 1276 and by Peckham in 1284. Although the first-mentioned prelate was himself a Dominican who had graduated both at Paris and at Oxford, the main object of his Visitation was to condemn a number of doctrines—grammatical, logical, philosophical, and theological—which had recently begun to be taught by the Oxford Dominicans and some of which claimed the authority of the great S. Thomas himself. The condemnation was renewed at a similar Metropolitical Visitation by the Primate's Franciscan successor Peckham in 1284[1]. There are also many instances of appeals to the Archbishop's Court, and the Archbishop systematically supported the authority and independence of the Chancellorship against the Bishops of Lincoln. It was largely, no doubt, through the Archbishop's interference that Sutton was compelled to yield to the claims of the University[2].

After the episcopate of Sutton, the disputes between the

University. (Wilkins, *Concilia*, II. pp. 111, 113.) Lastly in 1322 Bishop Burghersh revokes his commission to the Chancellor and inhibits all preaching in the University. (*Archives*, Pyx I. (W. P.) 8; cf. Rot. Cl. 16 Ed. II, m. 29). Though the exact circumstances are not known, the dispute now but appears to have been one between the Chancellor and the Masters, not between the University and the Bishop. The revocation was made 'vestro rogamine mediante.'

[1] The errors now condemned are printed in a black-letter pamphlet (without date or place-mark) entitled *Mag. Stephani formalitates in doctrinam Scoti*, and by d'Argentré, *Collectio Judiciorum*, I. 234; Wood, I. 306; Wilkins, *Concilia*, II. p. 107 *sq.*; *Annales Monastici* (Oseney), vol. IV. pp. 297-9. Among the grammatical errors was the assertion that 'Ego currit' is good Latin. This doctrine was of course a logical theory about the copula, not a piece of mere grammatical ignorance, as is supposed by Wood and others.

[2] *Mun. Acad.* p. 39.

CHAP. XII, § 4. Bishop and the University related mainly to the formalities to be observed on the presentation of a new Chancellor to the Bishop. Already in Sutton's time the question had been raised whether the Chancellor-elect was bound to appear in person to seek for confirmation. In 1288 the dispute led to a long cessation[1]. In 1290 the King compelled the newly-elected Chancellor to appear in person, but the Bishop agreed that in future confirmation might be sued for by proxy if the Bishop were not within a reasonable distance of Oxford[2]. Under Sutton's successor the question was raised in 1300 at the confirmation of Cobham, afterwards Bishop of Worcester, and founder of the first University Library at Oxford. Bishop Dalderby asked the University's proctor why the Chancellor-elect did not appear in person, and objected to the terms of the University's letter, which described the choice of a Chancellor as an 'election,' whereas the Bishop held it to be a mere 'nomination.' The Bishop, however, eventually granted the commission 'of special favour,' without insisting on Cobham's personal appearance, on the ground that the Chancellor was a relation of the Archbishop of Canterbury[3].

Disputes as to Chancellor's confirmation.

Confirmation by the Archbishop.

The controversy smouldered till the year 1350, when Bishop Gynwell vexatiously delayed the Chancellor's confirmation. The University appealed to Archbishop Islip, who, upon the Bishop's refusing to obey his monition to proceed with it, himself issued a commission for the confirmation. An appeal to the Pope followed, which ended in a decision recognizing the Bishop's right to confirm in the first instance, but establishing the Archbishop's right to do so in default of the Bishop of Lincoln[4]. By this

[1] *Annales Monastici*, vol. IV. (Oseney), pp. 316–318; Capgrave, *Chron. of England* (ed. Hingeston, 1858), p. 168.

[2] *Annales Monastici*, vol. IV. (Oseney), p. 324; Rot. Parl. I. p. 16, where the Bishop pleads 'quod Commissio illa est de pura et libera voluntate sua.' Mr. Lyte (p. 127) appears to confound the settlement by the King of the dispute which arose in 1288 with the Parliamentary settlement of 1290. Cf. also Reg. Sutton, f. 117 (Twyne, XII. p. 7).

[3] Reg. Dalderby, f. 5 *b*, 6 (Twyne, II. p. 4; XII. p. 13).

[4] In the course of this dispute the Archbishop laid Banbury, where the Bishop was then residing (including his own Chapel), under an Interdict:

decision the confirmation was obviously reduced to a mere formality, and eventually seems to have disappeared in practice even before it was dispensed with by Papal authority in 1368[1]. The University had thrown off the Episcopal yoke. A good illustration of the independence which it now asserted occurs as early as 1322, when it arrogated to itself the right of deposing a Chancellor by its own authority[2].

Liberty and Wycliffism at Oxford.

It was during this period of academical liberty that Wycliffism grew up, and it can hardly be doubted that the Wycliffite movement was powerfully aided by the practical exemption of the University from direct episcopal control[3]. We are not concerned here with the history of Wycliffism as a religious movement; but it falls strictly within the limits of our subject to notice the extent to which the alienation of the University from the dominant ecclesiastical

whereupon the latter claimed a Papal exemption from all obedience to the See of Canterbury. This privilege, alleged to have been granted by Clement VI (Wilkins, *Concilia*, II. 751) through inadvertence, was revoked by Innocent VI in 1353 (Wilkins, III. p. 29). The other documents are printed in *Mun. Acad.* p. 168, and more fully by Wilkins, *Concilia*, III. pp. 3–9: also Lambeth Reg. Islip, 20 *a*, 27 *a*-28 *b*, 35 *a*; Linc. Reg. Gynwell, f. 21. The Archbishop claimed that the Confirmation had 'devolved' 'ad audientiam suam propter negligentiam dicti domini Episcopi,' the Bishop replying that it was 'extra casum et causas appellacionis et negligentie cuiuscumque,' and the further citation of the Bishop was 'tam directe quam tutorie.'

[1] Wilkins, *Concilia* III. 75. Yet in 1369 Bp. Buckingham directs the Archdeacon of Oxford's Official to cite Adam Tonesworth for acting without confirmation (Reg. f. 70), but this is the last trace of the confirmation being insisted on which I have found in the Lincoln Registers. The Bull of Urban V in 1368 dispensing with confirmation, does not appear to have been inserted in the Lincoln Register till the time of Bishop Repingdon (f. 15).

[2] *Mun. Acad.* p. 107. We have seen that the Bishop had begun to complain of the exercise of spiritual power during a vacancy in the Chancellorship, which suggests that the custom was already establishing itself by which the senior D.D. acted as *Cancellarius natus* during a vacancy.

[3] The proceedings against Wycliffe in his lifetime were taken under special Apostolic authority. By Rot. Pat. 6 Ric. II, pt. i. m. 32 (1382 A. D.) the Chancellor and Proctors are appointed 'ad inquisitionem generalem' [sc. 'heretice pravitatis'] 'assistentibus vobis omnibus Theologis universitatis predicte regentibus' (Twyne, VII. p. 43); but, as will be seen, they did not take kindly to the office.

CHAP. XII, § 4. system was at this time carried, and the boldness with which the University as a corporation ventured on resistance to ecclesiastical authority. In 1377 Wycliffe's doctrines had been condemned by the Pope, in 1382 by the so-called Earthquake Council, and by the Archbishop and his assessors—Bishops, Doctors of Law, and Friar-theologians —at the Blackfriars' Chapter-house in London[1]. Among the doctrines condemned on the last occasion it is sufficient to notice the explicit denial of Transubstantiation and of the medieval doctrine of the Sacrifice of the Mass, the very foundations of the wealth and power of the medieval priesthood, and perhaps the still more alarming assertion that the State might lawfully take away their property from 'habitually delinquent' clergy. There was no period in the history of the University of Paris at which such a manifesto would have attracted the smallest sympathy. At Oxford the utmost efforts of Pope and Archbishop could not prevent an open resistance on the part of a considerable and respectable body of attached adherents[2]. It was apparently in the summer of 1381 that Wycliffe's anti-sacramental theses were publicly maintained: yet on Ascension Day, 1382, his former disciple, Nicolas Hereford, made a violent attack on the Mendicants in a sermon preached in the Churchyard of S. Frideswyde's before the University, boldly asserted his sympathy with Wycliffe, and in his Bidding Prayer omitted the name of the Pope. It was known that Hereford's sermon and his open defence of Wycliffe on other occasions had given offence in high places; yet its author was allowed without opposition to

[1] See the documents in Lewis, *Life of Wiclif* (Oxford, 1830), p. 356 *sq.*; Walsingham, *Hist. Angl.* II. (1864), p. 57 *sq.*; *Fasciculi Zizaniorum* (ed. Shirley, London, 1858), pp. 105 *sq.*, 275 *sq.*

[2] It was with good reason that Walsingham exclaimed when the University hesitated to enforce the Pope's Bull against Wycliffe in 1377 (Wilkins, III. 116), 'Oxoniense studium Generale! quam gravi lapsu a sapientiæ et scientiæ culmine decidisti! quod quondam inextricabilia atque dubia toti mundo declarare consuesti, jam ignorantiæ nubilo obfuscatum dubitare non vereris, quæ quemlibet e laicis Christianis dubitare non decet.' *Hist. Angl.* I. p. 345.

proceed as a Doctor of Divinity, and on Corpus Christi of the same year was again appointed to preach before the University by the Chancellor, Robert Rugge. Before the Festival arrived, a mandate from the Archbishop of Canterbury was served upon that official, directing him to publish the condemnation of Wycliffe's theses in the usual way by sending the Bedel of Theology round the University Schools. The Chancellor, alleging (it is difficult to say on what grounds) the exemption of the University from Metropolitical jurisdiction, flatly refused to comply with the injunction. At Corpus Christi the long-expected sermon was delivered, and the preacher boldly defended the orthodoxy of Wycliffe's doctrine of the Eucharist (about the nature of which there could in Oxford be not the smallest doubt) as the true doctrine of the Universal Church. As the Chancellor retired in state from S. Frideswyde's, followed by the whole concourse of Doctors and Masters, he made a point of waiting for the preacher at the Church door, and walked home with him 'laughing, and great joy came upon the Lollards at such a sermon[1].'

The Chancellor's Apology.

The Chancellor was subsequently forced to beg pardon of the Archbishop on his knees[2]. It is pleasant to notice that he received it on the intercession of the wisest and most moderate leader of the prelatic party, the aged statesman William of Wykeham. At the same time the Chancellor professed that he dared not, for terror of his life, publish the condemnation of Wycliffe in Oxford. 'Then is Oxford,' exclaimed Courtenay, himself once Chancellor of Oxford, 'the University of heresies, if she will not allow orthodox truths to be published.' And the Archbishop spoke no more than the truth[3].

It was not till a full generation after Wycliffe's death that the subjugation of the University to the ecclesiastical yoke was really effected, or that Wycliffism, notwithstanding

[1] Walsingham, *Hist. Angl.* II. 189; *Fasc. Zizan.* pp. 395-301. The first sermon is preserved in Bodley MS. No. 240. Cf. T. Arnold in *Academy*, No. 526, p. 397. In 1398 the Archbishop attempted to visit Gloucester College, not (as Mr. Lyte assumes, p. 291) the University.

[2] *Fasc. Zizan.* p. 308.

[3] *Ib.* p. 311.

CHAP. XII. § 4. the recantation of its most prominent leaders, ceased to command a large amount of scarcely veiled sympathy in Oxford. Archbishop Courtenay, indeed, who imagined that he had succeeded in completely purging the University of heresy, even aided it in procuring its culminating privilege. In 1395 Boniface IX[1] granted a Bull exempting the University from the jurisdiction of all Archbishops, even *legati nati*, Bishops, and Ordinaries. Even exempt persons, such as the Mendicants and Monks of exempt Monasteries, and exempt cases, such as assaults on clerks, which continually sent the clerks of Paris to seek absolution from special Papal delegates, were now expressly placed under the jurisdiction of that most anomalous of dignitaries, the Chancellor of Oxford. It is not surprising to learn that the conservative instincts of the Faculty of Law, as well as the Ultramontane sympathies of the Regulars, had led them to oppose the University's petition for the Bull[2].

Bull of Exemption, 1395.

Wycliffism. As a matter of fact, however, the University had no sooner entered upon its greatest theoretical independence than the period of its greatest practical enslavement began. In another chapter we shall have to observe how the practical freedom of which Oxford had enjoyed so large a measure—freedom from Papal legates and heresy-hunting Bishops and Dominican Inquisitors—culminated in a great outburst of free religious thought, of thought free and also fruitful, of religious activity founded upon and springing out of free speculation. The University had, as it were, burst the ecclesiastical shell within which the germinal principle

[1] Wood clearly shows (I. p. 365) that the Bull must have been granted by Boniface IX (though at times he appears unconvinced by his own reasoning): in spite of which Mr. Anstey (p. 78) still ascribes it to Boniface VIII and the year 1300. The provision as to assaults on clerks may be an illustration of the Roman policy of granting privileges to authorize acts which they could not prevent. Assaults on clerks were by Canon Law *casus Papales*; yet it appears that Bishop Dalderby had authorized the Chancellor to absolve in such cases for assaults committed in Oxford: assailants of clerks in the suburbs were to go for absolution to the Sacrist of Oseney. Linc. Reg. Dalderby, f. 391 *b* (Twyne, II. f. 15). There is no trace of any Papal authorization.

[2] Cotton MSS. (British Museum), Faustina C. VII. f. 164.

of the institution had long been confined. The ecclesiastical world felt that this spoiled and now rebellious daughter of the Church must be put back into the leading-strings to which her elder sister, the University of Paris, had long grown accustomed. I shall have hereafter to dwell more at length upon the higher aspects of this crisis in the history of Oxford. At present we must confine ourselves to its relation to the privileges of the University. Throughout the struggle the dominant party among the Seculars was for Wycliffe; but the hand of the University was forced by the Bishops and the King. The zeal of the English Court and prelates against heresy was greater than their respect for the letter of the Papal privilege. The Bull of exemption had been procured (as we have seen) by the aid of Courtenay, the ex-Chancellor of Oxford. A year later he was succeeded by Arundel, a much more vigorous opponent of Lollardism than his predecessor. At the Convocation of 1396[1] there appeared two bodies of petitioners from the University of Oxford—one from the Faculty of Law to urge certain grievances against the other Faculties, and another from the orthodox minority of the University to complain of the continued teaching of Wycliffism in its Schools. The proctor for the University also appeared and put in a copy of the Papal Bull[2] in bar of the Archbishop's jurisdiction. In spite of the Bull, however, the Archbishop, pretending to doubt its authenticity, announced that he would, after the Convocation, take measures for the redress of the alleged grievances, and compelled the proctor to renounce the privilege there and then in his presence. It

Privileges renounced in Convocation of 1396.

[1] Wilkins, *Concilia*, III. 227 *sq.* Even before the death of Courtenay, in Nov. 1395, the University had been compelled to submit absolutely to the King. Rot. Claus. 19 Ric. II, m. 20 *dorso* (Twyne, VII. p. 67).

[2] 'Quandam schedulam privatam in manibus suis tenens, nullatenus bulla apostolica, sigillove auctentico, aut cuiuscunque notarii publici signo, subscriptioneve munitam.' It was, however, notorious that the Bull had been really granted; it is afterwards alleged that certain Masters and Bachelors of Arts 'quoddam absurdum exemptionis privilegium, nomine totius dictæ universitatis . . . a Romana curia iam tarde subdole impetrarunt.' The Archbishop is styled (in the official record of the Convocation) 'dictæ universitatis ordinarius superior immediatus.'

CHAP. XII, § 4. is remarkable how light orthodox ecclesiastics will make of ecclesiastical authority when the supposed interests of orthodoxy are at stake.

Measures against Lollardism.

The University was not likely to consider itself bound by a renunciation made behind its back by a proctor not specially commissioned for the purpose. Accordingly the Archbishop procured a Royal writ peremptorily requiring the University to renounce its 'unwonted and unheard of exemption,' and another declaring the right of Visitation to belong solely to the Archbishop of Canterbury[1]. A political impeachment for the present put a check upon the Archbishop's proceedings, and the Oxford Masters were left undisturbed for some years. At length in 1408 a Synod was held in Oxford, and in the ensuing Convocation of Canterbury a number of constitutions were issued against the teaching of Wycliffism in the Schools or elsewhere[2], and directing a monthly inquisition into the orthodoxy of the scholars in each College or Hall by the Head or Principal. These constitutions for the first time introduced a censorship of the press, or rather of the pen, into the University. No book written in the time of John Wycliffe was to be lectured upon till it had been licensed both by the University or its delegates and by the Archbishop, and the stationers were forbidden to copy and sell books not so licensed. On this occasion no open resistance was offered by the University, though it is likely enough that the constitution remained very much of a dead letter[3]. In 1409, however, the Convocation of Canterbury called upon the University itself to condemn the heresies of Wycliffe. But when the proposal to appoint delegates for the purpose came before the Great Congregation, it was rejected by a majority of the Faculties.

Opposition of University.

Even after the twelve delegates were appointed (not before 1410), John Byrche submitted a resolution to a Great

[1] Rot. Pat. 20 Ric. II, pt. 3. mm. 32, 9 (Hare, *Mem.* f. 93 *b*).

[2] Wilkins, III. 314-319.

[3] It appears that the Constitutions in Wilkins III. p. 314 were published both at Oxford and in the Convocation at S. Paul's: the exact date seems to be uncertain.

Congregation rescinding the appointment and suspending all further proceedings against the heretics. As Proctor, the same John Byrche declared the motion carried. The Chancellor hastily dissolved the Congregation: and was afterwards forced into resignation. But the Proctors called a Congregation of Regents at which they appointed a number of 'sufficiently suspected' persons as the judges of heresy. Eventually even this 'suspected' board were compelled to condemn the incriminated Articles or some of them; and the 267 propositions were duly burnt at Carfax [1].

Archbishop Arundel's attempted Visitation, 1411.

It is evident, however, that a majority of the University really sympathized with Lollardism, or at least cared more for their academical privileges than for the suppression of heresy; and in 1411 the Archbishop, in spite of the Papal exemption, cited the University to appear before him as Visitor in S. Mary's. This brought matters to a head. The Chancellor, Richard Courtenay, and the Proctors,

[1] The chief authority for these transactions is Cotton MS. Faustina, C. VII. f. 135 (described by Wood as a fragment of a Register: if so it must be largely interspersed with Lollard comments) and the record of the Archbishop's Visitation in the Oriel Coll. Treasury. See also Wilkins, *Concilia*, III. pp. 322–330; Reg. Arundel, pt. II. ff. 126, 127 (Twyne MSS. XXIV. p. 122). It is impossible to pretend to chronological exactness in reproducing the events of this troubled year. Wilkins (III. p. 339) places the actual condemnation of the Articles in 1412. At the Convocation which began Dec. 2, 1411 there are still complaints of the rampant heresy of Oxford and the imprisonment of those who appealed to the Holy See, which makes it probable that the condemnation had not already taken place. A passage in the report of this Convocation, bearing on the celebrated testimonial alleged to have been given by the University in this year in favour of Wycliffe and produced in defence of Hus at Prague, seems to have escaped observation: 'Quasdam etiam literas falsitatis, testimonium perhibentes in defensionem brigarum, hæresium, et errorum, sigillo communi universitatis, inconsultis magistris et doctoribus, clam sigillant, ad regna et loca extranea transmittunt' (Wilkins, III. p. 336). The persons referred to are the 'gerentes officia' of the University: this seems to make it certain that the testimonial was actually sealed with the real University seal by the University officials whether regularly or irregularly. As it was customary for the Regents to grant themselves a general leave to have what testimonials they required passed under the University seal (Register Aa, *passim*), the testimonial was even less than most testimonials an indication of the deliberate opinion of the testimonialists.

CHAP XII, § 4.

Gallant resistance of Proctors.

Benedict Brent and John Byrche (their names deserve to be recorded) positively refused to allow the Archbishop to enter Oxford as Visitor; S. Mary's was fortified against him. The scholars appeared in the streets armed with bows and arrows, and showed themselves quite prepared to use them against the Primate and his retinue should the attempt be persisted in. When the town was laid under an Interdict, John Byrche broke open the doors of S. Mary's and said Mass as usual[1]. Eventually the Archbishop judged it prudent to beat a retreat, after arriving at an understanding that the matter should be referred to the King. To the King accordingly the Archbishop wrote to explain 'with what insolency he had been received by a company of boys.' The King's wrath fell heavily on the Masters. The Chancellor and Proctors were sent for to London and required to resign their offices into the King's hands. The University decreed a Cessation, and an animated correspondence followed between the King and the University. When required to elect a new Chancellor and Proctors, the Masters had the spirit to re-elect the old ones: and, by the mediation of Henry, Prince of Wales, these champions of privilege were at last allowed to retain their offices[2]. Meanwhile measures were taken to deprive the University of what had hitherto been their unquestionable plea of legality. The Bull of Boniface IX was revoked by John XXIII, in November, 1411; in the same month

[1] Lambeth Register (Arundel, f. 91 *b*); Capgrave, *Chron. of England* (ed. Hingeston), p. 299. It is charged against two fellows of Oriel that they 'fuerunt consentientes . . . castellationi ecclesie beate Virginis contra suum pastorem Archiepiscopum visitantem et stante interdicto,' &c. Oriel Register.

[2] Cotton, MS. Faustina, C. VII f. 137 *sq.* (Twyne, II. fol. 205 *sq.*) Cf also Wood, *Fasti* (in Annals), p. 39. The statement in Wood that the young men who had resisted the Archbishop 'were as truants corrected by the rod and ferula' (followed by Lyte, pp. 294–5) appears to be founded upon a misunderstanding of the King's letter. The University had pleaded that the disturbers of the peace 'subeuntur virgis et ferulis,' i. e. were mere boys; whereupon the Archbishop recommends that 'trutannos tales quoscumque virgis acrioribus et ferulis subdendos esse': but it does not appear that the suggestion was or was meant to be literally complied

the University submitted itself unreservedly to the Archbishop[1], and in the Parliament held at the close of the year the Archbishop's right of Visitation was solemnly asserted[2]. This constitutional struggle had been, it should be added, merely the formal side of a contest the real object of which was the suppression of Lollardy—in other words, the suppression of free speech and thought — in the schools and pulpits of Oxford. The issue of the struggle practically closes the history of Lollardism as a recognized force in English politics, and with it the intellectual history of medieval Oxford.

Mixed motives of opposition.

We must not, indeed, suppose that all the scholars or all the Masters who took part in the resistance to the Archbishop were moved by pure zeal either for freedom of speculation or for evangelical truth. On the side of Wycliffe were enlisted not only the religious zeal of the Lollard, but the local patriotism of the North-countryman, the chronic antipathy of the secular scholar to the Friars, the antipathy of the Realist to the Nominalist, the antipathy of the Artist to the higher Faculties, and also the academic pride of loyal Oxonians. Attachment to corporate privilege and tradition amounted in the Middle Ages to a passion which can hardly be understood in modern times, except, indeed, from the experience of life in an English Public School. And, if any reliance whatever is to be placed upon the statements contained in the record of the Archbishop's Visitation at Oriel, a good deal of pure ruffianism must have been called in to the support of what might possibly be called the Protestant party. Three Fellows of Oriel who were accused of being aiders and abettors of John Byrche (himself an Oriel man) are further charged with habitual night-walking (*noctivagio*), spending their days and nights in taverns, breaking into College at unreasonable hours, introducing armed men within its walls, knocking up the Provost at 10 p.m., calling him

Eccentric Fellows of Oriel.

with. Cf. *Correspondence of Bekynton*, ed. Williams, I. p. 278.

[1] Reg. Arundel, pt. 2. f. 90 *sq.* (Twyne, VII. f. 59: XXIV. p. 121).

[2] Rot. Parl. III. p. 651: Griffiths, *Enactments*, p. 1 *sq.*: *Mun. Acad.* p. 251.

CHAP. XII, § 4. a liar and challenging him to fight[1], and finally with taking part in a great onslaught upon the Chancellor's house on the vigil of S. Peter, in which a scholar of Law was killed. On another occasion also one of the accused Fellows had collected an 'army of night-walkers' and headed a riot in which many were slain.

State of the University in 1411.

The reader must judge for himself as to the exact amount of credence to be attached to such accusations. It is certain that charges of personal immorality are generally forthcoming when orthodoxy demands that the character of a heretic shall be blackened. On the other hand it is equally clear that during some months of the year 1411 Oxford was a scene of the wildest disorder: and clerks of the character indicated by these accusations were no doubt to be found among the Archbishop's assailants. From the record in the Oriel Treasury we gather that the Visitation was eventually carried out by the Archbishop's Commissary. Some at least of the Colleges were visited individually. Obstinate Lollards were deprived of their Fellowships; the rest were compelled individually to abjure the condemned propositions.

The University crushed. Visitation by Bishop Repingdon.

So utterly crushed was the spirit of the once proud University that in 1411 it seems tamely to have submitted to a Visitation *quoad hæreticam pravitatem* by its Diocesan, Bishop Repingdon, though the Papal Bull established the authority of the Archbishop only[2]. The ardent

[1] 'Vocando ipsum falsum dicendo quod mentiebatur in caput ejus, indicans eum ut surgeret et exiret ad pugnandum secum.' (Doc. at Oriel.) I have combined in the above paragraph charges some of which were only made against one or two of the Fellows.

[2] Linc. Reg. Repingdon, f. 136 (Twyne, II. f. 13 *sq.*). It is not certain that the Visitation was actually held, but the University submitted so far as to despatch to the Bishop a list of resident graduates. Besides the Chancellor and Proctors, there were nine Doctors of Theology (only three seculars), one of Decrees, four D.C.L.'s, one M.D., ten B.D.'s, twelve Regent M.A.'s, eighteen Non-regents, four Bachelors of Law. The numbers testify to the depletion of the University, but it is likely that the list is incomplete, since but six M.A.'s are mentioned as Fellows of Colleges: there must certainly have been more. Possibly the Visitation took place in Vacation. In 1458 the University refuses to accept the Bishop of Lincoln, who had been appointed arbitrator by the

spirits among the Masters were either intimidated or bribed into submission, though an under-current of Lollardism may have flowed on to the very eve of the Reformation. So submissive had the University become to ecclesiastical tutelage that in 1479 she was allowed to obtain a Bull from Sixtus IV, legally restoring her proud exemption from all English ecclesiastical authority[1]. In 1490 the office of Chancellor received its last accession of dignity, the privilege of licensing (with the Theological Faculty) preachers to preach in every diocese in England—a privilege which, though obsolete, the University still retains—and that of conferring minor orders[2].

The Exemption restored, 1479.

Anomalous as was the spiritual jurisdiction wielded by the Chancellor, still more extraordinary was the appellate tribunal of the University. The system of appeal from the Rector's Court first to the Faculty of Arts and then to the whole University, which was in force at Paris, was copied at Oxford in complete disregard of the entirely different origin and character of the two tribunals. The appeal was first from the Hebdomadarius, i.e. the Bachelor of Law appointed every week to hear minor cases[3] (if the hearing had been before him), to the Chancellor in person or his Commissary, then to the Congregation of Regents, finally to the Great Congregation[4]. The appeals were heard then as in modern times by delegates of the two Assemblies;

Anomalous Appeal to Congregation.

King, on the ground that to do so would involve an infringement of its liberties. Archives, AA. f. 115 *a* (Twyne, VII. f. 130 *b*).

[1] Printed by Wood, I. p. 63*a*. It also gives the Chancellor the power of absolving for perjury, which, however, he had probably exercised without Papal authorization. The University had before this resumed its old independent attitude. In 1461 it imprisoned four Bachelors of Law for serving an Inhibition from the Arches Court. Archives, Aaa. f. 183.

[2] MS. Letter-book F. f. 164 *b*, 165 *a*; Wood, I. 648.

[3] *Mun. Acad.* p. 735 *sq.* These appeals have just been abolished. See below, App. XXXII.

[4] *Mun. Acad.* p. 69 *sq.* The system seems to be sanctioned by Abp. Winchelsey in 1295, since he directs the enforcement of sentences 'per Cancellarium Universitatis ejusdem una cum tota universitate' whether of Regents or Regents and Non-regents (Lambeth Reg. Winchelsey, f. 171 *b*). The mode of expression seems to indicate that it was felt to be necessary that even the sentences reversing his own judgments should somehow emanate from the Chancellor's authority.

CHAP. XII, § 4. the necessity for the representation of all Faculties on the board of 'delegates of appeals in Convocation' marks the antiquity of an institution which has only just disappeared from our midst. A system of fines, increasing with the wealth of the appellant and the number of courts through which the appeal was carried, had to be devised to check the tendency to a frivolous prolongation of litigation. The appellate procedure was exactly the same in spiritual as in criminal and civil causes. And thus it happened that the decision of the most purely spiritual causes—subject indeed, where the King thought fit to permit, to Papal revision—in the case of Priests or even Bishops who might be studying in Oxford, belonged to a co-opting popular assembly, many of whose members, though not in the medieval sense laymen, were not in orders at all. And this jurisdiction, though ultimately sanctioned by Papal authority, was in the first instance acquired simply by usurpation, based as we have seen on nothing but a false analogy.

Surviving Anomalies.

The mere accident that the Chancellor's deputy has usually been in Priest's orders disguises the singular fact that since the Reformation a spiritual jurisdiction as complete as that exercised by their medieval predecessors has been vested in the lay Chancellors of Oxford and Cambridge and in Assemblies of their lay graduates. Up till a recent period the representative of the lay Chancellor of Cambridge was in the habit of solemnly absolving from the guilt of perjury and restoring to the sacraments of the Church persons who had committed unavoidable breaches of the Statutes to which they had sworn obedience[1]. There is a touch of historic irony in the fact that the leader of a party whose members have gone to prison rather than disuse a vestment in obedience to a lay tribunal should

[1] The formula ran as follows: 'Authoritate nobis commissa' (? by Pope Martin V, or by the Sovereign), 'nos absolvimus vos ab omni levi negligentia, forisfactione seu transgressione statutorum privilegiorum et consuetudinum et Deo et sacramentis ecclesiæ vos restituimus. In nomine Patris et Filii et Spiritus Sancti. Amen.' (Peacock, *Observations on the Statutes*, p. 17).

have acknowledged the spiritual validity of the censures of a Court which derived its authority from a lay Chancellor by citing his opponent before it on a charge of heresy—an authority whose ultimate source must be supposed to be either the Roman Bishop or the English Sovereign [1].

The Chancellorship becomes permanent.

An important change in the character of the Chancellor's office, which began in the fifteenth century, now demands a moment's attention. The election to the Chancellorship was originally biennial [2], and the Chancellor was of course—as has been implied throughout—the resident Head of the University. In the fourteenth century, however, re-election was not infrequent, and, in the one instance of a Chancellor called directly from the University to hold the Great Seal of England, he was invited to retain his University office as a non-resident [3]. In the course of the fifteenth century the Chancellors at both Universities gradually became practically permanent and habitually non-resident. In this way Russell, Bishop of Lincoln (1484), succeeded as Chancellor in getting into his hands that control over Oxford which his predecessors had struggled in vain to retain in right of their See. The change in the position of the Chancellor was however no mere accident. In spite of formal Papal exemptions, the Universities were more and more passing under the control of a Court at once more despotic and more ecclesiastically minded, and of a hierarchy more courtly, than of old. It became a matter of importance to the University to have a protector at Court and for the Court to have a trusted agent for the coercion of the University. From this time the Chancellorship — once the symbol and the organ of academic autonomy—became practically the instrument of its subjection to an autocratic Court and an Erastian prelacy [4]. It may be added that at

[1] In the case of Pusey and others *v.* Jowett, 1863.

[2] *Mun. Acad.* p. 107.

[3] Robert de Stratford, who became Bishop of Chichester and Lord Chancellor in 1337.

[4] Yet as late as 1494 the University had the independence to elect Morton in preference to either of the two Bishops suggested by the Crown. *Letter-book*, F. 176 *sq.* (The King's letter may have arrived too late, but the University had been ordered to await the royal pleasure.)

CHAP. XII, § 5. the present day the Chancellorship has passed into a merely honorary office; but at Oxford the Chancellor still appoints the Vice-Chancellor, though pledged by usage to appoint the Heads of Houses in order of seniority. It is a singular fact that this right in its present form is due to a very recent usurpation[1]. The Duke of Wellington was the first Chancellor who dispensed with the formality of asking confirmation of his nominee by Convocation. It is to be regretted that the University should so tamely have submitted to so gross an infraction of her ancient liberties.

Tame submission of the University.

§ 5. THE STUDIES OF OXFORD.

Comparison with Paris.

The system of study and graduation pursued at Oxford is so largely formed on the Parisian model that it will be unnecessary to do more than notice the few points upon which they differ. We are unable at Oxford to trace the gradual growth or modification of the educational curriculum even with that approach to completeness which has been possible in the case of Paris. Most of what follows must be taken to represent the system in vogue in the fifteenth century. If the records of both Universities had come down to us in greater fulness, some of the points of apparent difference, small as they are, would possibly disappear: as it is, our knowledge only becomes ample at a period when the intercourse between them was much less frequent and intimate than was the case in the thirteenth century. Still, where no difference is noticed, it may be taken that so far as our knowledge goes the system was alike in the two Universities as regards their main outlines: details—the exact number of disputations required for a degree, the period at which they were performed, and so on—were of course frequently changed even in the same University.

[1] A division was taken on the appointment of Dr. Symons, Warden of Wadham, in 1844. In 1845 a division was challenged, but the Vice-Chancellor took no notice of the opposition. The consent of Convocation is still asked for, but no 'placetne vobis' follows. The nineteenth century has thus revived the arbitrary practice introduced by the Earl of Leicester, Chancellor in 1569. Cox, *Recollections*, pp. 339, 340, 351.

It would have been an almost hopeless task to give a perfectly accurate account of them as they existed at any given moment in the course of our period.

Determination at Oxford and Paris.

It is a striking illustration of the rapidity with which every development of the Parisian system reproduced itself in Oxford that a few years after the Statute making the Lenten Determination compulsory at Paris we find a Statute regulating Determination at Oxford, and treating the exercise as an habitual part of the Arts' student's course [1]. The same Statute—belonging to the very year in which 'Responsions' are first mentioned at Paris—assumes the existence of a preliminary *Responsio de quæstione* in the preceding summer [2]. The nature of these exercises appears to have been precisely the same in the two Universities.

Responsions.

Points of contrast:

In connexion, however, with the Bachelor's degree, we encounter the first of the points of contrast which we have to notice:—

Chancellor confers Bachelor's degree.

(1) We have seen that the Parisian Chancellor had nothing to do with Determination or with the Bachelor's degree. At Oxford the Chancellor was the head of the University proper, as well as the Bishop's delegate—in fact (for many purposes) the Parisian Rector and the Parisian Chancellor in one [3]. Accordingly, at Oxford, it was the Chancellor who conferred the Licence to 'lecture on any book of the Faculty of Arts,' after which a student was in practice called Bachelor, though he was not considered to have fully taken the degree till his Determination in the following Lent [4].

[1] *Mun. Acad.* p. 34 *sq.* This 'Ordinance' is made by the 'Masters and Bachelors.'

[2] Afterwards, apparently, the time was extended to Christmas (or a fortnight after), as at Paris. *Ib.* p. 242.

[3] A minor point of difference is that the Proctors, here the Executive of the whole University, took part in the graduation ceremonies of all Faculties, their chief business being to administer the oaths.

[4] Sometimes, but not always, in the fifteenth-century Register (Aa) he is admitted on condition of determining next Lent. At Cambridge the Vice-Chancellor after the Determinations or 'Second Tripos' pronounced: 'Authoritate qua fungimur, decernimus, creamus, et pronunciamus omnes hujus anni deter-

CHAP. XII, § 5. No literary Examination for Mastership.

(2) The word 'Examination' had even at Paris a wider sense than it bears in modern times. It included any process of enquiry into the candidate's fitness, as well as a direct testing of his scholastic attainments. We have seen, however, that at Paris there was always an Examination in the modern sense by the Chancellor and the Faculty or Examiners selected therefrom. If in the superior Faculties this Examination was reduced to a mere formality, that was not the case in the Faculty of Arts, and in all cases there were real Examinations at earlier stages of the candidate's career. At Oxford it is a curious fact that we have no express evidence of the existence of Examination in the literary sense of the word. For the Inception or Licence the Statutes are silent about the existence of any Examination whatever. When a candidate presented himself before the Chancellor for the Licence in Arts, he had to swear that he had heard certain books, and nine Regent Masters (besides 'his own' Master who presented him) were required to testify or 'depose' to their 'knowledge' of his sufficiency (*de scientia*), and five others to their 'belief' therein (*de credulitate*) [1]. In the Faculty of Theology all the Masters were required to depose *de scientia*, a single adverse vote being fatal to the degree [2]. Whether the Masters had any other means of judging of the candidate's knowledge and capacity than had been afforded by his performances in the various disputations required for the degree [3], cannot be pronounced with certainty [4]. In the

minatores finaliter determinasse, et *actualiter esse in Artibus Baccalaureos*.' Gunning, *Ceremonies of the University of Cambridge*. Cambridge, 1828.

[1] *Mun. Acad.* p. 424.

[2] *Ib.* pp. 378, 379.

[3] At Cambridge we are told that 'All the Determiners do sit in the new Chapell within the Schools from one o'clock till five upon Munday, Tuesday, Wednesday, and Thursday in the week before Shrove Sunday, abiding the examination of so many Mrs. as will repair for that cause hither. And from three to four all they have a potation of Figgs, Resons, and Almonds, Bunns and Bear, at the charge of the said Determiners, . . . and upon Thursday they be only examined in song and writing' (Harl. MS. 7037, p. 103, quoted by Abdy Williams, *Hist. Account of Degrees in Music*, p. 62), — a survival which may suggest the kind of informal Examination which may have taken place in the Middle Ages.

[4] Every Bachelor had to dispute a

superior Faculties they undoubtedly had not. In the Faculty of Arts there seems an *a priori* improbability in supposing Oxford and Cambridge to have been in this particular totally unlike all other known Universities. Yet it is practically certain that there can have been no regular Board of Examiners or Temptators such as existed everywhere else, who formally examined the candidate in the subject-matter of his books. Had such Examiners existed, we must have met with some trace of their appointment in the Statutes or Registers: moreover, their existence would have made the interposition of the nine deposing Masters (selected by the candidate) superfluous and unintelligible. We can only suppose that each Master who was asked by the candidate to depose to his attainments was at liberty to subject him, whether in private or in conjunction with other deposing Masters, to such Examination in his books as he thought fit[1]. This supposition is borne out by the way in which the Examination is spoken of in the solitary allusion to any such institution which has come down to us, though the latitude with which the term was used must not be forgotten. William Wheteley, the Stamford Master, in his commentary on the pseudo-Boethian *De disciplina Scholarium* says that a candidate is to go from school to school 'before exposing himself to the Examination of the Masters by whose grace and favour he is to be crowned, that is, to incept and be licensed[2],' and to 'oppose' in each of them.

certain number of times with a Master of Arts at the Augustinian Convent, a disputation which, reduced to a formality, was kept up till within living memory under the name of 'doing Austins' (*Mun. Acad.* p. 313). The editor, Mr. Anstey, absurdly translates 'apud Augustinenses' by 'before the Austins.' For the superior Faculties the candidate had to dispute with every Master (*ib.* pp. 396, 399, 407). Cf. above, p. 381.

[1] For a somewhat similar mode of examining for Oxford scholarships, see Hole's *Life of Adn. Phelps* (London, 1871), p. 51 *sq.*

[2] 'De scola unius magistri ad scolas alterius magistri. Antequam incipiat vel se examinationi magistrorum exponat *quorum gratia et fauore ipse est coronandus*, i.e. quorum magistrorum gratia ipse incepturus et licentiandus.' (MS. No. 28 in Exeter College Library.) It further appears that 'magistri examinantes scolares qui debent licentiari in artibus debent eos examinare in moribus sicut in scientiis,' which

CHAP. XII. § 5. Examination for B.A. doubtful.

As to the admission of Bachelors, four Masters (as at Paris) were undoubtedly appointed to conduct the admission of Bachelors to Determination: but it is uncertain whether they supplemented their enquiries into a candidate's attendance at Lectures and so on by questions on the subject-matter of the books taken up. There is no positive evidence that they did; on the other hand, it appears that, just as before the Licence the 'deposition' of nine Masters was necessary, so at Determination nine (afterwards reduced to six) Masters or Bachelors who had already determined, had to depose to the sufficiency of the candidate's attainments[1]. The existence of this 'deposition' may by itself perhaps be held to supply a presumption that there was no literary Examination by the admitting Masters. On the other hand, due weight must be allowed to the intrinsic improbability of the total absence in 'the second School of the Church' of Examinations such as certainly existed everywhere outside England.

Determining for others.

(3) We get at Oxford a distinction between determining 'for oneself' and determining 'for others,' which demands a brief explanation. Previous writers have seen in the latter phrase a permission to perform the exercise by deputy. But, though it is not easy precisely to explain the nature of the arrangement, it is abundantly clear that it was the pecuniary expense attendant upon graduation, and not the duty of disputation itself, that was vicariously discharged. This is placed beyond the reach of doubt by the University Register, from which it appears that the only candidates who determined for others were rich and well-born students. Had it been the intellectual part of the performance that was transferable, the poor would have been more likely to determine for the rich than *vice versa*. When a Neville, or an Audley, or a Courtenay determined, he was allowed to

shows that the Examination was not *purely* literary, and suggests that the term *may* imply merely the conference among the Masters in Congregation as to whether his grace should pass (see above, vol. I. p. 461 *sq.*), but the view I have taken seems to me most probable.

[1] In 1267 it is simply 'Magistri vel Bachilarii' (*Mun. Acad.* p. 35); in 1408 six Masters or three Masters and three Inceptors.

'take under him' a certain number of poor Bachelors, whose expenses he paid [1], while the banquet which he gave on the occasion was no doubt on a scale which was considered to do duty for the whole party. CHAP. XII, § 5.

(4) It is exceedingly important to notice that only the Regent Masters of the Faculty had any share in advising the Chancellor as to the fitness of a candidate for the License [2]. Similarly, in the actual admission to the Mastership—the Inception—none but the Regents of the Faculty took part except the Chancellor and the Proctors, who attended in the name of the University to take the oath imposed by the University on Inceptors in all Faculties [3]. But the actual ceremony of Inception—the tradition of the book and the ring, and the imposition of the *biretta* with the kiss of fellowship—was performed, as at Paris, not by the Chancellor, but by a Regent of the Faculty. Even as late as the seventeenth century this ceremony was kept up at the annual Act. The Regius Professors of Theology, Civil Law, and Medicine conducted the Inception in their respective Faculties: while in the Faculty of Arts it was performed by the Senior Proctor, the ancient Head and representative of that Faculty [4]. At Cambridge some at least of the ancient ceremonial of Creation was kept up till fifty or sixty years ago [5]. Inception reserved to the Faculties.

On no point is the modern constitution of Oxford so misleading as in this matter of the 'conferment of degrees.' Modern constitution misleading.

[1] 'Quod possit ... pro aliis determinare ita quod possit acceptare sub se tot inceptores quot sibi placuerit, dummodo formam et cetera pertinentia ad gradum compleuerint.' Register Aa. f. 80 *b*. Cf. ff. 94 *a*. Again, 'accipere sub se certum numerum ipsorum qui tenentur ex statuto dare liberatam et conuiuare regentes'; *ib.* f. 103. Cf. *Reg.*, ed. Boase, I. p. ix. The above explanation is confirmed by the position of the 'Sub-determiner' at Paris.

[2] Under certain circumstances Civilians might 'depose' for Canonists and *vice versa*. *Mun. Acad.* p. 425.

[3] 'Item, cum in tractatibus faciendis super inceptoribus in theologia et bacalariis pro legendis sententiis licentiandis omnes et singuli Magistri regentes in illa facultate de usu more et consuetudine cum Cancellario et procuratoribus debeant si uoluerint interesse, etc.' *Collectanea*, II. p. 240. Cf. *Mun. Acad.* pp. 120, 489.

[4] *Laudian Statutes*, ed. Shadwell, pp. 72–74; *Diary of John Evelyn*, ed. Bray, I. p. 290.

[5] See the extracts from Gunning in Appendix XXVII.

CHAP. XII, § 5. The formula still in use testifies to the fact that the ceremony now commonly called taking a Master's degree is in reality the ancient ceremony of receiving the Chancellor's license to incept: and the Inceptor does not legally become a Master or take his seat in Convocation till the beginning of the following term. But the 'Act'—that is, the ceremony of Inception, at Cambridge called 'the Commencement'—has disappeared from the life, though not from the Calendar, of our Universities. It is true that in this part of the University system, and in this part only, has the now fictitious distinction between Regents and Non-regents been preserved. Only Regents sit in the 'Ancient House of Congregation,' which, for the purposes of the conferment of degrees, has survived the havoc which the seventeenth century and the nineteenth between them have made in the ancient institutions of Oxford. In the requirement that nine Regents shall be present in the House of Congregation for a degree to be conferred we have no doubt a survival of the ancient 'deposition' of nine Masters in the Faculty of Arts. But the distinction of Faculties has been lost; we have the anomaly of Masters of Arts voting on the conferment of superior degrees. And this has tended to obscure the fact that the License was originally conferred by the Chancellor with the advice of the Masters of the respective Faculties, not by the University itself. A modern English Dictionary would probably define a University as a 'body empowered to grant degrees.' This was just what in medieval times the University, properly speaking, did not do. The License came from the Chancellor[1]: the Inception or actual Mastership from the Faculty. Even when all Inceptions at Oxford took place in a full Congregation of the University, the actual Inception was still, as has been said, performed not by the Chancellor, but by a Master of the Faculty.

[1] It is true that at Oxford, where the Chancellor was so soon identified with the University and separated from the Bishop, the distinction was early forgotten. The Chancellor conferred degrees 'auctoritate mea et totius Universitatis' (*Mun. Acad.* p. 383). Notice that at Oxford degrees were never conferred in the name of the Pope.

The University legislates for the Faculties,

So far there was no difference between medieval Paris and medieval Oxford, except that the Proctors — the officers of the Faculty of Arts—figured in the Inceptions even of the superior Faculties in a way unknown at Paris. But there was one great point of difference. which arose indeed out of the fundamental contrast between the two constitutions, but which proved in its ultimate results a matter of much more than technical importance. The greatest constitutional peculiarity of Oxford—more remarkable even than the position of the Chancellor—is the almost entire absence of separate Faculty-organization. At Oxford we find, as we never find at Paris, the University itself settling every detail of the curriculum and internal discipline of all Faculties. And the regulations which the University made the University alone could dispense[1]. Thus a candidate who had complied with every minute regulation prescribed for a degree by custom or statute, had in the Middle Ages no need of the 'grace' of Congregation; but the moment a dispensation was needed, an application to the Congregation of Regents became necessary. A grace originally meant in fact a dispensation. But even by the fifteenth century the neglect of the elaborate and complicated regulations had become so habitual that a 'grace' was necessary in the great majority of cases. It seems that in this way a grace eventually came to be asked as a matter of course, so that at last it was supposed that it was the assembly of Regents who really conferred the degree[2].

and retains power of dispensation.

[1] The constitutional principle would seem to have been that the power of dispensation lay with the Regents, except where it was specially reserved by Statute to the Great Convocation. In practice most graces were granted by the Regents, but sometimes we find precisely similar graces granted by the Great Congregation.

[2] This is beautifully illustrated by the following inscription in a book once belonging to the Chancellor Thomas Gascoigne, and now in the Magd. Coll. Library (No. CIII): 'Compleui formam meam complete in sacra theologia anno gratie 1434, ita quod nullam graciam habui in uniuersitate de aliquo actu, sed tantum de tempore, nam respondi IX uicibus et nunquam concursorie [i.e. always *ordinarie*], et omnia alia feci debita ex statutis.' See also as to the Statutes of New College, below, p. 507.

CHAP. XII. § 5. Conditions of 'Graces.'

There is an immense and arbitrary variety in the 'conditions' imposed upon the granting of these 'graces.' Sometimes the condition is the performance of some additional exercise—a responsion, a disputation, a 'variation[1],' a sermon, a course of lectures, or two or more lectures in place of the Regent Doctor[2]. In other cases (where the dispensation was more extensive or the candidate worth bleeding), a contribution was imposed for the benefit of the 'New Schools,' or the repair of a window in the Convocation-house, or the pavement of S. Mary's. At other times the condition is for the personal benefit of the Regents. The candidate is to feast all the Regents or the Regents actually present[3] on the occasion, or to present them with new gowns, or with knives, 'according to ancient custom,' or to pay the Regent Doctor for the lectures which he has been dispensed from attending. Already in the middle of the fifteenth century the number of these graces is so great that it may almost be said that each case was considered on its own merits. It was assumed that the full requirements of the University could not be practically complied with. When a candidate thought he had studied sufficiently to have earned his degree, he presented his *supplicat*, stating the number of terms which he had kept, the exercises he had performed, and asking for the degree[4].

[1] 'Quod bis variet in Parviso.' Mr. Clark (*Register*, II. pt. i. p. 21) explains 'in Parviso' as equivalent to 'in parvisiis,' i.e. the *little things*, Logic and Grammar. But we do not find the plural in the fifteenth century, and do find 'in Paraviso': cf. *Mun. Acad.* p. 242 ('frequentantes ... Parvisum'). The word 'Parvis' appears to be a corruption of Paradisus, and is used of the Cloister of Notre Dame at Paris, the Palace Yard at Westminster, &c. See Ducange, *sub voce* 'Paradisus,' and Somner, *Glossarium* ad Twysden *Decem Scriptores*, *s. v.* 'Triforium.' In Chaucer (*Prologue*, l. 312) we hear of a Serjeaunt of the law 'that often hadde yben at the parvis,' which Pulling (*Order of the Coif*, p. 3) understands of the Parvis of S. Paul's.

[2] 'Quod semel (*or* bis *or* ter) excuset doctorem.' This was only in the case of the higher Faculties. The following facts are from the fifteenth-century Register (Aa) in the Archives.

[3] The same conditions are sometimes imposed on persons seeking 'reconciliation' with the University, e.g. a payment 'pro vino et ostriis (oysters) pro Magistris Regentibus.'

[4] A student's 'time' is often made up in a very curious way by counting a specified number of long vaca-

There was no doubt a certain roughly defined understanding as to the conditions which were dispensable and those which were not. The candidates for B.A., for instance, were usually made to go through the whole course of books, though the number of terms was sometimes reduced. In the attainment of the M.A. degree, on the other hand, there was more elasticity. In this way it would seem to have gradually come about that a 'grace' became necessary in the case of all graduates, and was asked for as a matter of course. The process was completed by the Revival of Learning, which created a divorce between the statutable requirements and the actual practice of the University. The old unrepealed Statutes of the University still required so many ordinary lectures to be heard on Aristotle in School Street; while the real educational work of the place was done in Hall or College lectures—still largely but no longer exclusively upon Aristotle—which did not satisfy the statutable definition of 'ordinary lectures.' Another circumstance which helped forward the tendency to substitute College for University was the enormous number of 'non-legible' days which the growing piety or gratitude of the University had introduced into its Calendar. A mere glance at the extant Calendar, wherein eleven days in the month of November are holidays so far as the University is concerned, besides Sundays and three days on which only

The Grace becomes necessary.

tions 'and many short ones.' Terms kept in one Faculty are allowed to count towards graduation in another: an odd term or long vacation is kept at Cambridge; terms passed in the country (with or without attendance at lecture) 'causa pestilencie' are counted; while the lectures given and exercises performed are enumerated as though no special number was prescribed by Statute. On the other hand, the 'forma' of books to be heard is pretty strictly adhered to, except where a special dispensation is given from part of them, or where other books are allowed to be substituted for those prescribed by Statute. Many 'graces' are granted as to the number of lectures which will constitute a 'term,' sometimes for a whole batch of candidates, sometimes for individuals. As a rule sixteen 'ordinary' lectures counted as a term kept. At times we find very curious graces enabling candidates to go to an extra lecture or course of lectures 'pro ordinariis minus attente auditis sed non completis istius termini,' or the like. Such scrupulosity was due to the desire to avoid perjury.

CHAP. XII. § 5.

cursory lectures might be given, will make it clear that serious education would have been impossible had not the College Prelectors and Tutors taken upon themselves the burden which the University Regent was becoming more and more eager to shirk, and less and less competent to perform [1].

Absence of Faculty organization.

And here we may pause to notice how merely constitutional differences have modified the educational organization of different Universities and the culture of different nations during whole generations of men. The practical extinction of all the higher Faculties in the English Universities is partly due no doubt to the absence of endowments for University teachers and to the presence of these endowments in the Colleges, enabling them to monopolize that instruction which the Universities themselves were unable to supply. Partly, too, it is accounted for, as regards the legal Faculty, by the non-Roman and unscientific character of English law, and as regards Medicine by the comparatively small size of the University towns. But the suppression of all effective instruction in the higher Faculties was also promoted by the control which, here alone among the Universities of the world, the Regents in Arts,—that is to say, after the decay of University lectures, the youngest Masters,—had acquired over the degrees in the higher Faculties. In other Universities each Faculty regulated the conferment of its own degrees. At Oxford and Cambridge an unlimited power of dispensation was vested in the Regents of all Faculties, the majority of whom of course were Regents in Arts. The extent to which this power was abused, even in the middle of the fifteenth century [2], was already such as to prepare the way for the

[1] *Mun. Acad.* p. cxlix. Besides the legal holidays the Regents were constantly voting themselves 'a day,' i.e. of exemption from all academical duties, or short vacations besides those prescribed by the Calendar, which were roughly identical with the statutable vacations of modern times, except that there was a short vacation at Whitsuntide.

[2] Thus we find the Regents frequently dispensing themselves wholesale from a year's study in any Faculty in which they should hereafter proceed, or even at times from the necessity of taking the Bachelor-

total suspension of the residence and study required by the Statutes for these degrees, while the Professors lacked the power or the inclination to convert the remaining 'exercises' into effective tests of competence. The higher degrees continued to be taken almost as much as formerly, especially degrees in Theology. In many cases College statutes bound the Fellows by the most solemn obligations to study and graduate in some superior Faculty, and the title of Doctor has always been more or less in request. But mere 'standing' was at last unblushingly treated as equivalent to residence and study, and thus at the present day the highest degree which it is in the power of the University of Oxford to bestow has come to be the reward of eleven years passed in forgetting the minimum of knowledge required in the Pass Schools of the Faculty of Arts.

(5) When we come to compare the details of the requirements of the two Universities for the various degrees, we shall find that as a rule the books 'taken up,' the exercises, and the 'time' required at Oxford correspond roughly with those of Paris. The most noticeable differences are:— Difference in Curriculum.

(*a*) At Oxford the enormous length of the course required (from the fourteenth century onwards) at Paris for D.D. is considerably reduced.

(*b*) We observe no such tendency at Oxford towards shortening the Arts course, at all events towards shortening the time required for B.A. At Oxford the tendency was

ship in Civil or Canon Law (Reg. Aa. f. 79 *b*), or in any Faculty but Theology (*ib.* 122 *b*) before the Doctorate, or allowing one of their brother M.A.'s to 'create' them (i.e. conduct their Inception) as Doctors of Civil or Canon Law if no Doctor were present (e.g. Aa. f. 81 *a*; Letter-book F. f. 64 *a*). Cf. the testimony of Gascoigne: 'Iam enim in Anglia periit cura Animarum per ecclesias appropriatas, et per non-residenciam curatorum . . et per pessimam collationem gradus scolastici et concessionem gratiarum indignis et viciosis et insciis personis in Oxonia, et in aliis Studiis, quæ collatio mala graduum scolasticorum non erit destructa, quousque potestas dispensandi cum bonis Statutis retrahatur a Regentibus et a Procuratoribus Universitatis, qui pessima concedunt pro lucro proveniente eisdem per graduatos et per graduandos per eosdem.' *Loci e libro Veritatum*, ed. Rogers, Oxford, 1881, p. 3. Cf. p. 20.

CHAP. XII, § 5. to put the Baccalaureate and Determination late, and to reduce the requirements for M.A. till at last—within the present century—the last relics of residence and of 'exercises' after B.A. have finally disappeared [1].

(*c*) In the actual curriculum we shall find that there was rather more elasticity than at Paris. The dominion of Aristotle was somewhat less exclusive. Importance was attached to keeping up the theory that a University Arts course included the *Trivium* and *Quadrivium* of the earlier Middle Ages, as well as the 'three Philosophies' introduced by the rediscovery of Aristotle in the thirteenth century. More importance was attached to Mathematics and Astrology, and more alternatives were offered to the choice of the individual student.

Requirements for degrees.

The *chief* requirements for the various degrees may be thus briefly summarized:—

THEOLOGY [2].

For Opponency [3]:

For M.A. candidates, four or five years' study (i. e. apparently to be *in the fifth year*), presumably divided between the Bible and Sentences, since three years' *auditio* of the Bible are required for Inception.

For others, eight years in the study of Arts [4]; six or seven years in Theology.

[1] See Cox, *Recollections*, p. 60.

[2] *Mun. Acad.* pp. 388–397.

[3] In the fifteenth-century Register (Aa) there are two regular steps or degrees in Theology for which 'supplicats' are presented—'Admissio ad opponendum et respondendum,' and 'Admissio ad lecturam libri Sententiarum.' Only the latter seems to confer the style 'Baccalarius in Theologia,' though this is not quite clear. A probably fourteenth-century Statute (*Mun. Acad.* p. 389) requires the fifth year for 'Opponency' and the seventh for Respondency. That being so, I cannot understand the provision 'quod quilibet ad lecturam libri sententiarum de cetero licentiandus, in admissione sua juret quod postea non opponet in theologia, publice et in scholis, in statu minore quam status Bacularii in eadem' (*Mun. Acad.* p. 390; cf. p. 394).

[4] At least if the candidate wanted to proceed to B.D. From a University letter (Ep. 62. F. f. 23 *a*) it appears that 'Monachi artium scholares in nostra universitate' had to pay the *collecta* to the Regents, but from the 'graces' it is clear that the Regulars might keep their time in Arts by study in the Conventual Schools, in Oxford if not elsewhere.

For B.D. (*Admissio ad lecturam libri Sententiarum*):

For M.A. candidates, two years more, i. e. seven years in all.
For others, two years more, i. e. eight years in all.
Certain Opponencies, number not specified.

For Licence:

Two years' further study.
To have lectured on one book of the Bible[1] and on the Sentences.
An examinatory Sermon at S. Mary's.
Eight Responsions to non-graduate Opponents.
To dispute (as Opponent) with every Regent D.D.
Vespers.
In the fifteenth century an additional Sermon was added by Statute[2].

CANON LAW.

For Bachelor of Decrees: (*Admissio ad lecturam extraordinariam alicuius libri Decretalium*):

Five years' study of Civil Law.
To have heard the Decretals twice, and the Decretum for two years[3].

[1] In *Mun. Acad.* p. 391, lectures on both Bible and Sentences are required (cf. *Collectanea*, II. p. 218). Yet on p. 396 we find 'aliquem librum de canone bibliæ *vel* sententiarum Oxoniæ in scholis theologiæ publice legant.' In Aa we find that a candidate usually enumerates among his exercises 'introitus Biblie,' as well as 'lectura libri Sententiarum.' We may presume that the Lecture on the Bible had now sunk for the majority of secular candidates to a formal Introductory discourse upon a book which was never finished. The real lectures on the Bible which had still to be *heard* by every candidate were no doubt delivered (as at Paris) by Regulars.

[2] *Mun. Acad.* p. 396, constantly alluded to in Aa as the 'novum statutum.' A candidate sometimes supplicates to be allowed to preach in *English* at S. Peter's-in-the-East, instead of in Latin at S. Mary's. The afternoon sermons in Lent were preached at S. Peter's till 1828. See Cox, *Recollections*, p. 241 *sq.*

[3] It is impossible to adjust this provision (*Mun. Acad.* p. 398) with the (? later) Statute relating to Inception which requires that Inceptors in Canon Law who have not been Regents in Civil Law, 'jura civilia ad minus per triennium, bibliam, quatenus legitur in studio, per biennium, decreta per triennium, ac decretales integraliter se jurent audisse' (*ib.* p. 399). There is no information as to the standing for the Doctorate except what is contained in this clause.

CHAP. XII, § 5. *For Inception as Doctor of Decrees:*

To have read *extraordinarie* two or three 'causes' or the tractate *De Simonia*, or *De Consecratione*, or *De Pœnitentia* (parts of the *Decretum*).

To have opposed and responded to the questions of every Regent.

To have given one lecture for each Regent.

[After Inception, two years, afterwards one year of Necessary Regency.]

CIVIL LAW[1].

For B.C.L. (*Admissio ad lecturam libelli Institutionum*[2]):

For M.A. candidates, four years' study.

For others, six years' study.

For License ad legendum aliquod volumen Juris Civilis (e. g. *the Digestum Novum* or *Infortiatum*).

To have heard the *libri apparitati* of the Civil Law.

For Inception:

(No additional *time* specified).

To have lectured on the Institutes, the *Digestum Novum*, and the *Infortiatum*.

To have given an ordinary Lecture for each Regent Doctor.

To have opposed and responded in the School of each Decretist[3].

MEDICINE[4].

For M.B. (*Admissio ad legendum librum Aphorismorum*[5].)

(No time specified.)

[1] *Mun. Acad.* pp. 402–405.

[2] Occasionally the Licence is to read some other book of the Civil Law.

[3] A Statute found in the Proctors' Books (B and C), not in the Chancellor's (A), and probably later than the above, requires the reading of 'unam collationem, vel unum librum de libris extraordinariis codicis' (*Mun. Acad.* p. 405), but whether in addition to or substitution for the above *volumina*, does not appear.

[4] *Mun. Acad.* pp. 406-409.

[5] Rarely one of the books mentioned below is substituted. No examination or practice was apparently required for an M.A. to become M.D. Such was the belief in healing by Aristotle. By a Statute of 9 Hen. V, cap. 11 (Rot. Parl. IV. p. 130), the Council is empowered to make regulations for preventing non-graduates practising anywhere in England, but in the dearth of M.D.'s in England any such regulations must have been quite futile.

For admission 'ad practicandum' in Oxford[1]:

For M.A. candidates, four years' study.

To pass an examination conducted by the Regent Doctors.

For others, eight years' study and examination.

For License and Inception:

For M.A. candidates, six years' study (in all).

To have 'read' one book of *Theorica* (i. e. the *Liber Tegni* of Galen, or *Aphorismi* of Hippocrates), 'pro majori parte.'

To have 'read' one book of *Practica* (i. e. *Regimenta Acutorum* of Hippocrates, *Liber Febrium* of Isaac, or the *Antidotarium* of Nicholas).

To have responded to and opposed in the Schools of the Regents for two years.

For others, to have been admitted to practice, as above: eight years' study (in all): to have given the above lectures.

ARTS.

For B.A. (*Admissio ad lecturam alicuius libri Facultatis Artium*):

Four years' study.

For Determination[2], (A) In 1267:

To have been admitted as above and 'read' some book of Aristotle.

To have responded *de quæstione.*

To have heard: (1) The Old Logic, i. e. Porphyry's *Isagoge*, the *Categoriæ* and *De Interpretatione* of Aristotle, the *Sex Principia* of Gilbert de la Porrée, twice; and the Logical works of Boethius (except *Topics*, bk. iv), once. (2) In the New Logic, *Priora Analytica*, *Topica*, *Soph. Elenchi*, twice; *Posteriora Analytica*, once:

With *either* (1) Grammar, i. e. Priscian, *De constructionibus*, twice; Donatus, *Barbarismus*, once.

Or (2) Natural Philosophy, i. e. Aristotle, *Physica*, *De Anima*, *De Generatione et Corruptione Animalium.*

To have responded *de Sophismatibus* for a year or have heard the *Posteriora Analytica* twice, instead of once[3].

[1] In Register Aa usually conferred with the M.B.

[2] *Mun. Acad.* pp. 35, 36.

[3] Determiners *pro aliis* who had not previously determined *pro se* were required further to have heard the *Magnum* of Priscian and three books of the *Meteorics* of Aristotle.

CHAP. XII, § 5.

(B) Later (? *circa* 1408[1]):

To have been admitted as above, and 'read' some book of Aristotle.

To have disputed for a year as 'General Sophister' *in Parviso.*

To have responded *de questione.*

To have heard: Donatus, *Barbarismus*; Arithmetic (*Algorismus integrorum*); the method of finding Easter (*Computus ecclesiasticus*); [Joannes de Sacro Bosco], *Tractatus de Sphæra*; Porphyry, *Isagoge*; Gilbert de la Porrée, *Sex Principia*; Aristotle, *Sophistici Elenchi* — *lectionatim* in College or Hall[2].

The Old and New Logic, except the Boethius, *Topics*, bk. IV *cursorie* from Bachelors in the Public Schools.

For License and Inception:

Three years' additional study[3].

To have been admitted *ad lecturam alicujus libri Aristotelis*, and to have lectured thereon[4].

To have been admitted to determine (?)[5].

To have responded *apud Augustinenses*, and taken part in a certain number of other disputations[6].

To have heard (in addition to the books already read for B.A.), (Stat. of 1431[7]):

[1] *Mun. Acad.* p. 241 *sq.*

[2] 'Secundum sufficientem expositionem a Magistro vel Bachillario in collegio aut in aula se lectionatim integre audivisse cum recitatione debite subsecuta, ita tamen quod in primo biennio, quo Scholares fuerint facultatis artium, hujusmodi auditionem lectionariam, ut præfertur, aggredi non præsumant' (*ib.* p. 242). Determiners *pro aliis* were further required to have heard the Posterior Analytics in College or Hall.

[3] *Mun. Acad.* p. 416. Those who have not determined were required to complete *eight* years.

[4] *Mun. Acad.* p. 414.

[5] This I infer from the fact that *supplicats* for Inception always mention Determination; but the extant Statutes do not actually require it, and it is clear that it was not necessary actually to determine.

[6] For details, see *Mun. Acad.* p. 406.

[7] *Mun. Acad.* p. 285 *sq.* The Statute-books contain two other 'Formæ' (nearly identical) for Inceptors (*Mun. Acad.* pp. 413–415), which contain fewer books than the above and assign shorter time for them (e.g. eight days for Arithmetic), which seems to show that the 'term' assigned to a subject was practically a very short course of lectures. Another 'Forma' is printed in Appendix XXIII.

In the Seven Arts:

Grammar . . Priscian 'in majore vel minore.' (One term [1].)

Rhetoric . . The *Rhetoric* of Aristotle. (Three terms.)
Or the *Topics* of Boethius, bk. IV.
Or Cicero, *Nova Rhetorica.*
Or Ovid's *Metamorphoses.*
Or 'Poetria Virgilii [2].'

Logic . . . Aristotle, *De Interpretatione.* (Three terms.)
Or Boethius, *Topics* (first three Books).
Or Aristotle, *Prior Analytics*, or *Topics.*

Arithmetic . Boethius. (One term.)

Music . . . Boethius. (One term.)

Geometry . . Euclid [? six books [3]].
Or Alhaçen. (Two terms.)
[Or Vitellio, *Perspectiva* [4].]

Astronomy . (Ptolemy ?), *Theorica Planetarum.* (Two terms.)
Or Ptolemy, *Almagesta.*

In the Three Philosophies:

Natural . . Aristotle, *Physica* or *De cœlo et mundo.* (Two terms.)
Or *De proprietatibus elementorum*, or *Meteorica*, or *De vegetabilibus et plantis*, or *De Anima*, or *De Animalibus*, or 'any of the smaller books [5].'

[1] 'Per terminum anni,' which Mr. Anstey is probably wrong in translating 'for one year,' since in all other cases the time is given in *terms.*

[2] The last three alternatives are perhaps recent additions. If so, they supply an interesting illustration of the dawn in Oxford of the Latin (as distinct from the Greek) Renaissance. In 1448 we find a Bachelor characteristically supplicating that a lecture upon the Georgics of Virgil imposed upon him by the 'Magistri Determinatorum' should be commuted for a lecture on the 'De Anima' (Aa. f. 21 *b*). It is also interesting to note that in 1453 the Regents debated 'an videatur expediens universitati ut conducantur V Regentes an pauciores ad perficiendum lecturam scientiarum per necessarios regentes non lectarum' (Aa. f. 76 *b*), but this proposal to widen the University course by the foundation of Professorships seems to have come to nothing.

[3] So in another 'Forma' contained in *Mun. Acad.* p. 415.

[4] This reading is a correction in B (Sen. Proctor's book).

[5] 'Aliquem de minutis libris,' i.e. the Parisian 'Parva naturalia.'

CHAP. XII, § 5.

Moral . . . Aristotle, *Ethica*, or *Economica*, or *Politica*. (Three terms.)

Metaphysical. Aristotle, *Metaphysica*. (Two terms[1].)

Degrees in Music,

We have already noticed the comparative prominence of Mathematics and the two Sciences then most closely associated with Mathematics, i. e. Music and Astronomy or Astrology. In the fifteenth century we find actual degrees given in Music[2]. The candidate for the Doctor's degree was required to compose a Mass or a Mass and a song (*cantilena*) to be performed at S. Mary's at the annual Act or general Summer Inception. The Bachelor's degree was taken by admission to 'read any book of Music' or 'any book of the Music of Boethius.' This graduation in Music is a peculiarity of the English University system which we have hitherto seen only in certain Spanish Universities. It is probably of late growth and little importance, except as an interesting indication of the growth of Church Music during the one period of its history at which England took the lead in musical progress[3]. The title of Doctor carried with it no rights such as were enjoyed in the case of other Masters or Doctors: the Doctor of Music was, it would appear, academically on a level with the humble Master of Grammar—a title which, at this time, was also conferred after the manner of a 'degree[4].' It does not appear that actual degrees were given in Astronomy, but we have frequent allusions to courses of Astronomy apparently more extended than what was included in the ordinary Arts course[5], and in the sixteenth century

and in Grammar.

Study of Astrology.

[1] Three for candidates who had not determined. It is clear that the majority of M.A.'s had determined, but the lists of Determiners in Aa are somewhat shorter than those of 'Admissi *ad lecturam*, &c.,' or B.A.'s.

[2] Registers, *passim*. At Cambridge Musical degrees occur as early as 1463. For a full account of their history see *A Short Historical Account of the Degrees in Music at Oxford and Cambridge*, by Mr. C. F. Abdy Williams (London, 1893), an interesting work which would be the better for the omission of the very uncritical chapter on 'The Origin of Academical Degrees in general.'

[3] Cf. Abdy Williams, *l. c.* p. 12.

[4] As to the degree in Grammar see Clark, *Reg. Univ. Oxon.* II. pt. i, pp. 8, 218, and below, p. 599 *sq.*

[5] e. g. 'quatuor anni in medicinis et astronomia' (Aa. f. 121 *b*). William

there is an instance of a scholar admitted 'to practice in Astrology[1].'

Poets Laureate.

Another peculiar institution which we find introduced into the University at the end of the fifteenth century is the practice of creating Poets Laureate by their actual investiture with a laurel crown[2]. In some cases the Laureation seems to be combined with a degree in Rhetoric[3].

Greek and Hebrew.

The Greek and Hebrew Professorships ordered by the Council of Vienne in 1311 were actually founded, or at least money was collected for the payment of the Professors[4].

French.

Another study which occupied a somewhat anomalous position was the French language. It was decidedly regarded in the light of an 'extra.' There were, it appears, certain persons who taught and others who learned 'the art of writing and composing and speaking the Gallic idiom,' as also the art of 'composing charters and other scripts,' and of holding lay courts or the English mode of pleading—an indication of the purpose for which French was in demand. But it struck the academic mind as irregular that there should be students of these subjects when

Rede of Merton, Bishop of Chichester 1369–1385, drew up some astronomical tables. For these and other fragments of Oxford Astronomy, cf. Twyne, II. f. 92 *sq.*

[1] Early in the sixteenth century we find a general grace for Regents in Arts, 'Quod si contingat aliquem eorum studere in astronomia possit practicare in eadem.' Register H. 7. f. 4 *a*. Licences were also granted (without degrees) 'ad practicandum in arte Cyrurgie in Universitate et infra precinctum ejusdem.'

[2] Bernard Andrew, poet laureate, received a royal annuity in 1486 on account of his teaching at Oxford and elsewhere. *Materials illustrative of Henry VII*, ed. Campbell, II. p. 62a. Cf. Wood, *Athenæ*, I. (1691) p. 22; Cooper, *Annals of Camb.* I. p. 241, whence it appears that Skelton was a Laureate of Cambridge. It appears that at Cambridge Bachelors of other Faculties wore floral wreaths at the Festivities of the Act (Caius, *Hist. Cantebr.* p. 12a). The custom of laureating poets perhaps originated in Italy. We hear of it at Padua in the fourteenth century (Tomasinus, *De Gymn. Patav.*, p. 169). There is a letter of Petrarch (*Chartul. Univ. Paris.* T. II. No. 1038) where the poet declares that he received invitations on one and the same day 'ad percipiendam lauream poeticam' from Rome and from the Chancellor of Paris. Only the first invitation was accepted.

[3] Boase, *Register* I. p. 299.

[4] Linc. Reg. Burghersh, f. 11 *b* 'pro stipendiis cuiusdam conversi catholici nunc docentis Oxon. linguam Ebraicam atque Grecam,' with the significant addition 'et pro negociis communibus ecclesie,' &c.

CHAP. XII, § 5. the University provided no 'ordinary' lectures on them. Accordingly it was provided that such scholars should attend lectures on the subjects which approached most nearly to their own, i.e. Grammar and Rhetoric: while the teachers were required to swear obedience to the Statutes of the University, and at the same time to divide between them a tax of 13*s.* 4*d.* to the Masters of Arts by way of compensation for the damage which was inflicted upon them by the withdrawal of pupils from their more regular instructions[1]. Even this very qualified encouragement to the study of a foreign modern language is unparalleled in any other medieval University.

Failure of Regency system.

For information as to a great number of details which might naturally find a place in this section, the reader must once again be referred back to the chapter on Paris. The system of University teaching was exactly the same in the two places. In both Universities the teachers were dependent upon their *collecta*; in both Universities want of adequate support for University teaching, and the youth and inexperience of the 'necessary Regents,' led eventually to the breakdown of University teaching, at least in the Faculty of Arts[2].

Duke Humphrey's Lectureships.

In the fifteenth century some attempt was made at Oxford to supply the deficiency by Humphrey, Duke of Gloucester, who, in 1436, temporarily founded certain Lectureships in the Seven Arts and the Three Philosophies[3].

[1] 'In recompensam præjudicii per eorum doctrinam Artistis illati.' *Mun. Acad.* p. 303. The same Statute provides that in future the *collecta* received by the Regents in Arts shall be divided equally between them.

[2] The only earlier evidence of anything like an endowment for teachers is in 1275, when Franciscus Accursius, having returned to England with Edward I, was provided with free quarters in the 'King's Manor' at Oxford, i.e. Beaumont Palace. Rot. Pat. 4 Ed. I, m. 35 (Twyne, II. f. 43 *b*).

[3] Presumably one in each. (Letter-book F. f. 42 *a*.) These are frequently alluded to in subsequent Letters of the University. See especially F. f. 61 *b*, in which the University boasts itself to be the only one in the world where 'non pro vili precio et particulatim seu in priuato ut olim consueuerint sed gratis integre et in publico omnes artes, omnes philosophie leguntur' (1442). A Royal Lectureship of the same kind for Theology is mentioned in 1481 (F. f. 143), which was perhaps absorbed in the Margaret Professorship.

But these Lectureships were not permanently endowed, and came to an end upon the Duke's death. The need was actually met by the gradual growth of College teaching, which practically made the wealth of the Colleges intended for other purposes available for the endowment of University teachers. In the higher Faculties such teaching as continued to be given at all was supplied by the endowed Professorships, of which only one was instituted within our period — the Professorship of Divinity, founded by the Lady Margaret, mother of Henry VII, in 1497[1].

Margaret Professorship.

Buildings.

The architectural history of the University lies beyond the scope of this work, except in so far as it bears upon its constitutional and educational organization. In the Church of S. Mary—the centre of University life and the scene of its earliest Congregations—the University possessed of course no rights whatever. The Church[2] was simply borrowed by the University for its Congregations and Latin sermons, just as S. Peter's-in-the-East was borrowed for English sermons, and S. Mildred's for meetings of the Faculty of Arts. The adjoining Congregation-house, which was rebuilt at the end of the fifteenth century, was begun by Thomas Cobham, Bishop of Worcester, in 1320, with an Upper Chamber to hold his Library. The executors of the Bishop pawned the Library to defray the expenses of his funeral and pay his debts. Oriel College, at their suggestion, redeemed the books, and being also the impropriating Rectors of the Church, claimed to treat both building and library as its own property: but in 1337 the Masters asserted their supposed rights of ownership by coming 'with a great multitude' and forcibly carrying away the books from Oriel, 'in autumn' when the Fellows were mostly away, lodging them in the Upper Chamber[3]. The quarrel smouldered

The Congregation-house.

[1] Wood, I. p. 654; III. p. 826; Letter-book F. f. 180 *b*.

[2] The Church was almost entirely reconstructed (except the Tower) at the end of the fifteenth century, the Chancel in 1462, the Nave in 1490–1495. Wood, *City*, II. pp. 17–19; Lyte, p. 378; Archives, F. f. 156 *sq.*, 176. An account of these letters is given by Ffoulkes, *Hist. of the Church of S. Mary*, p. 201 *sq.*

[3] See Poole's life of Cobham in *Dict. Nat. Biogr.* II. p. 158, and the interesting narrative printed from

CHAP. XII, § 5. till the year 1410, when Oriel was induced to acknowledge the University's proprietary rights, subject to a quit-rent of one penny, in consideration of a present of fifty marks from Archbishop Arundel, who also provided for the endowment of the University Chaplaincy[1]. In respect of Schools, the Masters continued throughout our period dependent upon hired rooms; though Inceptions and Determinations had to be performed in the Schools of School Street or its immediate neighbourhood. Many of these Schools were afterwards situated in residential Halls[2]. In 1439, however, Thomas Hokenorton, Abbot of Eynsham, pulled down a number of the isolated Schools belonging to his Abbey, and erected 'a long pile of stone building consisting of two stories,' which practically served as the principal Arts Schools of the University till the present 'Old Schools' were built in the time of James I[3]. The Masters, however, who taught in the 'Schools of Oseney' continued to pay rent (13*s.* 4*d.* for each School) to the

The Schools.

the Oriel Register by Mr. Shadwell in *Collectanea*, I. pp. 62–65. Mr. Ffoulkes (*l. c.* pp. 24, 59, 61) speaks of an 'old Congregation-house,' the building of which he attributes to S. Hugh of Lincoln. What evidence there may be for the existence of such a building, I know not, but certainly Mr. Ffoulkes produces none, nor can I suppose that 'S. Hugh evidently meant his new erection to serve for a Chapter-house, which was then wanting in Oxford' (p. 25), when there was no Chapter at S. Mary's to use it. S. Frideswyde's, of course, possessed both a Chapter (i.e. of Regulars) and a Chapter-house. There was, indeed, a University Chapel in S. Mary's from 1274, with an endowed Chaplain who said Mass for the benefactors of the University. Rymer, I. (1816), p. 519.

[1] See Doc. in Ayliffe, II. p. lxxx. Lyte (p. 100) assumes that Oriel recovered the books, but of this there is no evidence.

[2] At the beginning of the fifteenth century thirty-two in number. *Mun. Acad.* pp. 239, 240 (cf. p. 453). Denifle (I. p. 682) had been misled by Mr. Anstey into supposing that in 1278 there were thirty-one Schools in various parts of the town, citing a document from *Mun. Acad.* p. 38, which describes the number of 'Regentes' in each part of the town, including regions where no Schools are ever heard of. Mr. Anstey admits that in A the contraction 'Reg.' stands for 'Regratorum,' and a petition of the University to the Parliament of 33 Edward I, complaining that the townsmen have increased the accustomed number of thirty-two Regrators, places this reading beyond a doubt (*Memoranda de Parliamento*, p. 45). That there should afterwards have been this very number of thirty-two Schools in School Street is certainly an odd coincidence.

[3] Wood, III. pp. 759 *sq.*, 787 *sq.*

Abbey, reimbursing themselves (as at Paris) by subletting to Determiners[1]. About the year 1426[2], the University began to collect money for the present Divinity School, which, when its ample window space was filled with stained glass, must have been a gorgeous specimen of late Gothic art. The building absorbed the energy of the University and the liberality of its benefactors for half a century; it was not completed till 1489[3]. An Upper Chamber over the Divinity School was established for the valuable Library given to the University by Humphrey, Duke of Gloucester, in 1439 and 1443[4]. The Schools of Law lay in the neighbourhood of S. Edward's Church. In 1465–1489 we find the University collecting money for the repair of the Canon Law School and the Civil Law School[5], but it is clear that these buildings were the actual property of the principal Doctors of Canon and Civil Law, not of the University itself. It is curious to observe how universally the fifteenth century is the era of 'University Buildings.' About the year 1440 the Universities all over Europe were endeavouring to provide themselves with buildings of their own. It is more than an accidental coincidence that this was about the period at which the Universities began to lose their independence, and to fall more and more under the control of their respective governments. In their poverty had been their strength. In another way, however, the story of the buildings in which the Masters of the fifteenth century took more delight than in teaching or in study, is one connected with the best movement of the age. The fifteenth century was everywhere an age of Library-making; in the Library the solitary student, weary of the disputa-

Divinity School.

Law Schools.

[1] Wood, III. pp. 759, 760.

[2] Letter-book F. f. 6 *a*. The site was bought in 1427. Pyx, W. P.-B. 5. (Other documents, nn. 2, 3, 4, have disappeared.)

[3] Wood (III. p. 778) gives 1480, but see F. ff. 134 *b*. 160 *b*.

[4] *Mun. Acad.* pp. 758–772. Others were not received till after 1450, i. e. till at least three years after the Duke's death. Macray, *Annals of the Bodleian*, pp. 6–8.

[5] F. ff. 117 *b*, 143 *b*, 144 *a*; Wood, III. p. 769. The Canon Law School was begun in 1489: F. f. 159 *b*. It is not clear whether the 'Civil School' was rebuilt.

CHAP. XII, § 6.

tions of an effete Scholasticism, could find richer intellectual pastures for himself. Duke Humphrey's Library contained, besides the usual contents of medieval Libraries, a considerable number of Greek and Latin Classics, together with some works of the Italian scholars[1]. It is the first irruption of the full-blown Italian Renaissance into Oxford, and no doubt helped on that spontaneous groping after an improved Latinity and a more literary education which, at Oxford as at Paris, prepared the way for the men of the Renaissance proper—the wandering Greeks and the Northern Scholars who had studied in Italy. The last years of the fifteenth century, as presented to us in the official records of the University, tell of nothing but the dreary routine of expiring Scholasticism. As presented to us in the letters of Erasmus and his friends, they are full of bright promise—a promise which in Oxford was never wholly fulfilled. But the growth of humanism during the last ten years of the fifteenth century—the age of Colet and Grocyn, of Linacre and Erasmus—in many ways the most fascinating decade in all our Oxford annals, belongs not to the history of medieval University systems, but to the history of the movement by which that system was destroyed[2].

Duke Humphrey's Library.

Growth of Humanism.

§ 6. THE COLLEGES OF OXFORD.

Interest of subject.

Greatly as the originality of the English College-system has been exaggerated, there can be no doubt of the peculiar interest which our English Colleges possess for those who are familiar with the towns to which they still impart that ecclesiastical and medieval tone which has so completely vanished from the University cities of the Continent. We may therefore be allowed to devote to the origins of Merton

[1] See the Catalogue in *Mun. Acad.* p. 758 *sq.*, and Macray, *l. c.* p. 6 *sq.*

[2] The history of these years has been delightfully written by Mr. Seebohm in his *Oxford Reformers*, and by Prof. Montagu Burrows in *Memoir of William Grocyn* (*Collectanea*, II. p. 332 *sq.*). See especially his remarks (p. 339) on Thomas Chandler, Warden of New College from 1454 to 1475, who wrote good Latin, though there is no reason to believe that he had studied in Italy.

and New College, of Peterhouse and King's, somewhat more attention than has been bestowed upon the Sorbonne and the College of Navarre.

The democratic character of the Halls.

Something has already been said in connexion with Paris about the system of residence in Halls or Hostels and the gradual changes by which the Hall passed from an independent and self-governing community into the position of a boarding-house kept and in the main governed —though not without vestiges of its ancient autonomy— by a Master under the authority of the University. Indeed, we have been obliged to some extent to interpret the scanty notices of the Parisian system by the ampler evidence which Oxford supplies. Whatever doubt there may be as to the originally democratic character of the Parisian Hostels, there can be none as to that of the Oxford Halls, while the Aularian Statutes of 1489, printed at the end of this volume, exhibit this ancient autonomy in the very act (as it were) of being superseded by that of the University of Masters and of the individual Principals [1].

Growth of University authority over Halls.

It is instructive to trace the process by which the University gradually asserted its supremacy over the Hall-communities. The starting-point of the Chancellor's jurisdiction over the relations between the Principal and his 'fellows' (*socii*) was simply the custom of giving security before the Chancellor for the rent of the house. This proceeding was enforced merely to secure the payment of the rent and prevent disputes between competing applicants for Halls: any scholar who tendered the required amount had the right to be admitted to the Principalship. But it would at the same time enable a Chancellor to reject a Principal to whom he had reason to demur, and in certain cases the University threatens Principals offending against

[1] Similarly the 'Inns of Court' in London were originally Hostels hired from a landlord by some group or society of 'Apprentices of the Law.' (Pulling, *The Order of the Coif*, p. 130.) They were formerly ruled by a *Principal* and Ancients, 'as it has continued to this day in the lesser Inns.' (*Ib.* p. 165.) Since these societies were not incorporated, their *status* was very similar to that of the Hall-communities. It is probable that their government was at one time more democratic than now.

CHAP. XII, § 6.

the University regulations about the manner of hiring Halls —as for instance by buying the succession to a Principalship from the last holder—with the loss of their position. Gradually the Chancellor seems to have arrogated to himself a general power of removing an offending Principal[1]. In the time of Edward I it is said that the Chancellor received express authority from the University to veto the Statutes made by the *Aulares* and even to impose Statutes upon them at his own discretion[2], though there is not much evidence of the power having been actually exercised till the second half of the fifteenth century[3]. In 1411 Principals were forbidden to receive scholars expelled from other Halls for breaches of their Statutes[4]. In 1421 Henry V enjoined that Principals should receive only scholars of good character, and all scholars were required to reside in the Halls of Principals 'lawfully approved and admitted by the Chancellor and Regents[5].' Probably at some earlier date a Statute had been passed to forbid a manciple or servant, though himself a scholar, from being Principal of a Hall[6], and in 1432 the University took the important step of restricting the Principalship to graduates (though even after this a Principal might be merely a Bachelor of Arts); and it is noticeable that the Statute now passed recognizes the

[1] *Mun. Acad.* pp. 14, 470. Principals are also required, even in the more ancient Statutes, to report to the Chancellor scholars not attending lectures and otherwise offending. *Ib.* pp. 93, 427.

[2] 'Nullum statutum aulare in Oxonia liget nec obliget aliquem de aula si Cancellarius contradicat: et tunc etiam concessum fuit Cancellario Oxoniæ in perpetuum ut ipse licite possit declarare, modificare, et renovare statuta aularia studentium in Oxonia, et nova statuta ex officio suo in aulis statuere, quotiens expediens Cancellario visum fuerit; et istud privilegium concessum fuit Cancellario quod olim Principales aularum et Scholares fecerunt statuta derogantia officio et potestati Cancellarii.' (*Ib.* p. 470.) Evidence of the existence of student-made Statutes is also supplied by the Balliol Statutes. See below, p. 474.

[3] Some of the proclamations by the Chancellor or declarations of custom contained in the Statute-books may perhaps be looked upon in this light, but the private Statutes of the individual Halls were not superseded.

[4] *Mun. Acad.* p. 252.

[5] *Ib.* p. 279.

[6] *Ib.* p. 468.

Principal as bound in some measure to assist his scholars in their studies[1]. At about the same time, during the Chancellorship of Gilbert Kymer, M.D., a code of Statutes was drawn up for the government of the Halls by the Chancellor with the 'advice and consent of the Congregation of Masters and of the Principals of Halls.' Another code—probably the code still extant—appeared in the year 1489[2]. By these Statutes the authority of the Principals was still further reinforced and migration without the consent of the Principal or of the Chancellor peremptorily forbidden. We shall have more to say about the contents of these Statutes in a later chapter. Meanwhile we may note their significance as marking the completion of the process by which the ancient Hall or Hostel was transformed from a private house rented by a society of students into a recognized University institution.

Taxation of Halls: Principals.

As at Bologna and Paris, and in fact in all towns where there was any community of scholars, the principle of compulsory taxation by a joint-board of Masters and burghers was established from a very early period: it is one of the very few parts of the University-system which can be traced back to a period anterior to the Legatine ordinance of 1214. At Oxford the control of the University over the Halls was peculiarly ample. Not only was the owner precluded from letting his house to a layman so long as a clerk was willing to take it, but, if he refused to repair after three monitions, the tenant might execute the repairs and deduct their cost from the rent. Although this custom is not everywhere on record, it is probable that it was widely diffused, since we find almost exactly the same regulations in Universities of distant regions and widely divergent types. At Oxford the Chancellor's ample powers of spiritual censure gave the

[1] It complains of the appointment as Principals of 'non-graduati et cæteris (? leg. cæteri) minus docti coaularesque suos inepti docere.' (*Mun. Acad.* p. 307.)

[2] *Mun. Acad.* pp. 358 *sq.* They are printed below, App. XXIX. Chamberdekyns still survived in 1612. (Reg. K. 22. f. 109.)

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University exceptional facilities for enforcing these somewhat high-handed 'customs[1].'

Position of later Halls.

Before the close of the medieval period, most of the Halls passed into the possession either of monastic bodies or of Colleges. This circumstance helped to give the aspect of public and permanent institutions to the few Halls which survived the Reformation and which are now in process of extinction by one of the most vandalistic and unintelligent of our recent University reforms[2]. The Colleges, regarding the Principalship of their Halls as a piece of patronage to be bestowed upon one of their Fellows, ceased to demand anything more than an accustomed quit-rent[3]. As no fresh Halls were allowed to be created, the Principalships passed into important preferments in the hands either of the Chancellor or of the College to which the Hall belonged; and in the course of time the lawyers being puzzled by the anomalous character of these Hall-communities, which *de facto* held and transferred property without any legal incorporation or perpetual succession, devised the legal fiction that their property was held in trust for them by the University. The Earl of Leicester obtained from Queen Elizabeth the recognition of his right to nominate to the Principalship of the Halls (though Queen's afterwards succeeded in making good its claim to the nomination at S. Edmund Hall); but even then traces of the democratic character of the institution remained, and it was still considered necessary to summon the whole Society (including the Undergraduates) to elect the Chancellor's nominee. This ceremony was gone through on the admission of the last Principal of an independent Hall who survives among us[4].

[1] *Mun. Acad.* p. 15; *Stat. Artistarum Patav.* f. xxxii *b*.

[2] All are doomed with the solitary exception of S. Edmund Hall, which is now placed in still closer connexion than formerly with Queen's College. The others have been sacrificed to the cupidity of neighbouring Colleges.

[3] An opinion of the Attorney-General was obtained at the time of the foundation of the first Hertford College (1740) to the effect that Exeter College had lost the right to raise the rent of Hart Hall.

[4] See Appendix XXVI.

The earliest benefaction intended to support scholars at the University was of a very simple character. To maintain or 'exhibit' a scholar or two at a School or University was a recognized 'good work' long before the age of Colleges: to found a Chantry for the maintenance of a Priest to say mass for the founder's soul was an equally common expression of medieval piety. Alan Basset, who died in or shortly before the year 1243, conceived the idea of combining a Chantry with a Scholarship. In accordance with instructions contained in his will, the executors arranged with the Prior and Convent of Burcester or Bicester (a House founded by a kinsman of the testator) for the payment of eight marks a year to two Chaplains who should say mass daily for the Founder and his wife, and at the same time study in the schools of Oxford or elsewhere[1]. The Chantries in Oxford Churches no doubt helped many a poor Priest to get a University education; but Basset's exact plan was not followed by later benefactors. Though Alan Basset may claim the credit of providing the first permanent endowment for an Oxford scholar, he can hardly be called the founder of the first Oxford College.

Benefaction of Alan Basset.

UNIVERSITY COLLEGE (*c.* 1280).

WILLIAM SMITH'S *Annals of University College*, Newcastle-on-Tyne, 1728—by far the best of our earlier College-histories. Cf. Wood's *City*, I. p. 554. The Muniments are catalogued in the *Fifth Report of the Historical MSS. Commission*, p. 477. William Smith also left a large collection of MS. transcripts of documents, &c., connected with the College, which is preserved in the College Treasury.

The original plan of what was in design, though not in actual erection, the earliest of existing College-foundations was hardly on a larger scale than the modest Chantry of Alan Basset. William of Durham, a distinguished Master of Paris, at one time Rector of Wearmouth,

William of Durham's Bequest (1249).

[1] Twyne I. f. 159. I have been unable to trace the original. Wood and Lyte refer to Lincoln Reg. Wells, f. 71, but the Register does not appear to be extant.

CHAP. XII. § 6. at another Archbishop-elect of Rouen[1], died in 1249, leaving to the University 310 marks to be invested in rents for the support of ten or more Masters of Arts studying Theology[2]. The University placed the money in a chest and used it, partly 'on their own business' and partly in 'loans to others' which were never repaid[3]. In this way 110 marks had been spent: only an annual income of eighteen marks remained, which was expended in the purchase of houses[4]. The purchase of the houses was probably intended merely as a mode of investing the money, and it is not clear that either the Founder or the University originally intended that the pensioned Masters should form a community. It was not till after a precedent had been created by other benefactors that the University drew up a scheme for a little community of four Masters who were to live together (with any other scholars who might be willing to board with them) in a Hall which had been purchased as their residence. This Hall is the germ of the present University College, still legally styled Great University Hall[5]. The College probably

Great University Hall, *c.* 1280.

[1] Matthew Paris calls him at one time 'eminentissime literatus,' at another 'vir literatissimus.' He died in crossing the Alps upon his return from the Roman Court. *Chron. Maj.* (ed. Luard), V. 91; *Hist. Anglie* (ed. Madden), III. 67. He was one of the four Masters who in 1229 left Paris for Angers (*Chron. Maj.* III. 168), but I know of no evidence that he headed 'a migration to Oxford,' as is confidently stated by Lyte (p. 31), though this may well have been the case. It is probable that he was not identical with William de Lanum, Archdeacon of Durham in 1234, though they are identified in an inscription in a window of the College. Le Neve, *Fasti*, ed. Hardy, III. p. 302.

[2] This account is taken from the document mentioned on p. 471, note 1.

[3] Smith, pp. 9–13. Some of it was lent to the Barons in the Barons' War. See Adam de Marisco's letter to the Chancellor, *Mon. Franc.* I. p. 257.

[4] Among these was the Hall which the eminent Canonist, William of Drogheda, in 1250 gave to the Prior and convent of Sherborne, who in 1255 sold it to the University (Documents in Treasury). It is still known as Drawda Hall (No. 33, High Street).

[5] Where this Hall was originally situated is completely doubtful. It has usually been supposed that an earlier *Aula Universitatis in vico Scolarum* (Smith, p. 61) was inhabited by William of Durham's Masters, but this is not a safe assumption: the title only denotes that the Hall was the property of the University.

began its actual existence in 1280 or soon after. The earliest extant Statutes were drawn up by the University in that year[1], but were superseded by a fuller code in 1292[2]. Following the example set by the Founder of Merton, the University made the Scholars to some extent a self-governing corporation under the senior Master, who was to receive a double allowance in consideration of his administrative labours. At first he was to act in conjunction with an external Master of Arts, while, in the election to vacant places, the Chancellor and Theological Masters of the University were to act with the members of the community[3]. In 1292, however, the external Superintending Master disappeared, but the College still remained under the government of the Chancellor, the Proctors, and the Faculty of Theology, and by them the vacant places upon the foundation were filled up[4]. How very gradually the little College fought its way to autonomy is illustrated by the fact that so late as 1311, the date of its third code of Statutes, the Community had no common seal and was therefore obliged to borrow the seal of the Rural Dean of Oxford in concluding the agreement between itself and the University[5].

The present site in High Street came into possession of the College in 1332 (Wood, *Colleges*, p. 43). The College removed thereto in or about the year 1343 (Conybeare, in *The Colleges of Oxford*, p. 9). The title *Magna Aula Universitatis* (more simply University Hall), appears in 1381, but the style 'College of William of Durham' was still sometimes used in the time of Elizabeth (*ib.* p. 10). For an account of the forgeries, lies, and impostures which former Masters and Fellows of University have perpetrated in defence of its Alfredian origin, ending with the Millenary banquet of 1872, see Smith, *passim*, and Conybeare, pp. 10–14.

[1] In this year a scheme, containing a short code of Statutes, was drawn up for the foundation of the Society, as appears from a document in the Treasury, partially translated by Wood, *Colleges*, pp. 40, 41. I am much indebted to the present Master (Dr. J. F. Bright) for his kindness in giving me access to the original and to other College documents.

[2] *Mun. Acad.* p. 56.

[3] An attempt was made to elect a Master in 1382, but was seemingly foiled. Smith, pp. 264–266.

[4] Compare the very similar constitution of the Sorbonne at Paris, which very probably suggested this provision, above, vol. I. p. 490. The University, however, retained and frequently exercised the right of hearing appeals from these delegates.

[5] Smith, p. 46. The original of

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Additional endowments.

In spite, however, of the want of any Royal Charter or formal incorporation, the College, according to medieval practice, experienced no difficulty in holding land and other property in its own name, and the possessions of the College and number of its Scholars were gradually increased by successive benefactions. The most important of these additions were three fellowships founded by Walter Skirlaw, Bishop of Durham, in 1403, and three more (with the gift of an advowson) by Henry Percy, Earl of Northumberland, in 1442[1]. In 1377 the College became involved in a law-suit about some of the newly-acquired property[2]. It was to extricate themselves from their legal embarrassments, by procuring the evocation of their cause to the Royal Council-chamber, that the Master and Scholars of University first devised the impudent fiction

Alfredian myth.

of a Royal Foundation by Alfred the Great, which has now become part of the Law of England by a decision of the Court of King's Bench[3].

BALLIOL (1261–1266).

Balliol can boast of the earliest of College Histories—a good one of its kind—*Balliofergus*, by HENRY SAVAGE, then Master (Oxford, 1668). *The Early History of Balliol College* by MRS. DE PARAVICINI (London, 1891) reprints most of the documents contained in Savage, and collects some documents and information about the College from other sources. The College Archives are calendared by Riley in the *Fourth Report of the Historical Manuscript Commissioners*, 1874, p. 442 *sq.*

John de Balliol's penance.

In or about the year 1260 Sir John de Balliol, father of the illustrious rival of the Bruce, incurred the wrath of one of those militant Prince-Bishops whom the English

these Statutes is in the University Archives, I. (W. P.) 10 (printed from the Statute-books in *Mun. Acad.* p. 87). The earliest seal appears in 1320. Smith, p. 103.

[1] Smith, p. 219; Wood, *Colleges*, p. 47.

[2] Smith, pp. 107–141. The litigation lasted till 1389.

[3] In 1726, when the visitation of the College was adjudged to the Crown (Ingram, I. p. 6), though there was not a single precedent for its exercise and numerous evidences of the visitatorial rights of the University—a characteristic illustration of the way in which English lawyers have manipulated history.

Kings employed to guard the Northern border against the Scot. The details of the outrage are not known, but we are told by Matthew Paris that the Lord of Barnard Castle had 'unjustly vexed and enormously damnified' the Church of Tynemouth and the Church of Durham[1]. Certain it is, however, that in the year above mentioned, the Founder of Balliol College knelt at the door of Durham Abbey, was there publicly scourged by the Bishop, and undertook to provide a perpetual maintenance for certain poor scholars in the University[2]. The outcome of this involuntary munificence was a College which forms an exception to the general type of English Colleges, and well illustrates the difference between the English College-system originated by Walter de Merton and the earlier foundations of Paris, of which Balliol's original scheme is an obvious imitation.

College established before 1266.

It is certain that the scholars were established in Oxford before June 1266[3]. They were at first supported by annual payments from the Founder, who allowed a commons of eightpence a week to his pensioners[4]. Balliol is thus distinctly in actual fact the oldest of Oxford Colleges. But it was not till 1282, thirteen years after Balliol's death, that his widow Dervorguilla placed the 'House of Balliol' on a permanent footing. Though the Statutes now drawn up[5]

Formal Charter, 1282.

Statutes.

[1] *Chron. Maj.* ed Luard, V. p. 528. Cf. Bliss, *Transcripts*, I. p. 573.

[2] *Chron. de Lanercost*, ed. Stevenson (Maitland Club, 1839), p. 69. The name of Balliol is not mentioned, but the identification is practically certain.

[3] The King directs the Mayor and Bailiffs of Oxford to lend John de Balliol £20 out of the fee-farm of the town 'for the use of the Scholars whom he maintains in the said town.' *Calendar of Scotch Documents*, ed. Bain, p. 476.

[4] *Chron. de Mailros*, ed. Stevenson (Bannatyne Club, 1835), p. 217 (an. 1269). Mr. Lyte (p. 71 *sq.*) was apparently the first writer who discovered this and the above allusions.

[5] The establishment of the College was confirmed by Oliver Sutton, Bishop of Lincoln, in 1284 (Linc. Reg. Sutton, f. 74 *b*; Savage, p. 18). The actual foundation belongs to the same year (*ib.* p. 25; *Report*, p. 442), but the language of the deeds makes it plain that the College existed *de facto* before John de Balliol's death in 1269. A Licence for an oratory was granted by the Bishop in 1293 (Linc. Reg. Sutton, f. 75 *a*; Savage, p. 30), and confirmed by Bull of Urban V in 1364 (*ib.* p. 36).

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were later than the earliest Statutes of Merton, they seem to be entirely uninfluenced by that famous Code, and probably embody a constitution already in working order. Balliol College was originally not a land-holding corporation like other Oxford Colleges, but simply a Hall of Students presided over by a Principal of their own election. The finances of the House were entrusted neither to the Principal nor to the scholars, but to two extraneous 'Procurators'—a Franciscan Friar[1] and a secular Master of Arts[2] who paid them their respective allowances weekly, elected to vacant places and generally governed the House after the manner of a Parisian board of 'gubernatores.' Like many Paris foundations, but, unlike most Oxford Colleges, the 'Hall of Balliol' was originally a College for Artists only, who lost their places upon taking a degree in Arts[3]: yet, though the members of the foundation must have been mere boys, the Principal was required to govern them in accordance with Statutes and customs made by themselves. And herein we obtain a most interesting clue to the mode of government (if such it can be called) which prevailed in the ordinary Halls whether the Principal was a Master or not. The College assumed something more like the form of the other Oxford Colleges after the foundation of six theological Fellowships (in addition to the existing sixteen) by Sir Philip Somerville in 1340[4]; twenty-four years after which the privilege of

External Proctors.

A College of Artists.

Somerville's foundation, 1340.

[1] We may perhaps trace the Franciscan influence in the fact recorded in Bp. Sutton's confirmation (Linc. Reg. f. 74 *b*), that many members of the House 'in religione et alibi magnum fructus cumulum produxerunt.'

[2] Later they are called Rectores —a term sometimes used for the Gubernatores at Paris. *Report*, &c. p. 443 *a*.

[3] This was confirmed by a decision of the Proctors in 1325. *Report*, p. 442.

[4] The Statutes for Somerville's foundation are issued by 'Edwardus [Balliol] Dei gratia Scotorum Rex, ex primæva fundatione Magistri et Scholarium aulæ sive domus de Balliolo in Oxonia Fundator.' A somewhat varying copy is found in *Reg. Palatinum Dunelmense*, ed. Hardy, III. p. 381. Somerville created a Master, but left the Principalship untouched. It was clearly intended that (as in Paris Colleges) there should be a Master of the Theologians with a separate Head for the Artists.

studying Theology after Regency in Arts was extended to the original Fellowships by Papal Bull[1]. Somerville's Statutes were superseded by a code drawn up, under Papal authority, by Simon Sudbury, Bishop of London, in 1364[2]. The Statutes by which the College was governed up to the date of the first Parliamentary commission were framed by the Bishops of Winchester and Carlisle, under a Bull of Julius II in 1507, at the request of the Master and Fellows[3]. The original Founder had omitted to place his College under a Visitor, and by Somerville's Statutes the Visitatorial powers were awkwardly divided between the Chancellor of the University, the Bishop of Durham, the Prior of Durham College, and the two extrinsic Masters[4]. The Statutes of 1364 had made the Bishop of London Visitor[5]. The new Papal Statutes bestowed upon the College the unique privilege of electing its own Visitor. After the Reformation, the intrinsic Visitatorial right of the diocesan appears restored by the foundation-charter of Christ Church[6]. It is not very clear by what means the College has recovered the right of electing a Visitor, and there seems some reason to fear that this ancient Society, in acting upon the Papal Bull in defiance of

Bishop Sudbury's Statutes, 1364.

Statutes of 1507.

[1] College Register. The extended tenure of the Fellowships and an increase of the Commons from 8*d.* to 12*d.* per week were secured by the impropriation of Abboldesley in the diocese of Lincoln, given by Sir William Felton, in 1346 (Paravicini, p. 168), though the endowment did not become available by the death of the Rector till 1361, when Wycliffe as Master took possession of the benefice. (Lincoln Reg. Gynwell, Institutions, pp. 367, 368; Lewis, *Life of John Wyclif*, Oxford, 1820, p. 4.) Wycliffe is mentioned as Master in other documents from 1360. (*Report*, p. 447 *sq.*) The Scholars were at first established in hired Halls occupying part of the present site. S. Margaret Hall, bought in 1284, was the first habitation of their own (*Report*, p. 447), and forms the nucleus of the present College.

[2] Not extant. *Statutes*, p. 2 and *Pref.*; *Report*, p. 443.

[3] *Statutes*, p. 1. Mr. Poole, *Colleges*, p. 30, reminds us that the former prelate was Richard Fox, the Founder of Corpus.

[4] *Statutes*, p. x. The Master-elect had also to be presented to the Lord of the Founder's Manor of Wichenore. *l. c.*

[5] *Statutes*, pp. xx, 2.

[6] The other Colleges mentioned are Oriel, Brasenose, and Lincoln. (Rymer, *Fœdera*, XIV. 1712, p. 757.) The intention may, however, be only to establish the rights of the Bishop as Ordinary, not as Visitor.

CHAP XII, § 6. a Royal Charter, may at one time have been liable to the tremendous penalties of *Præmunire*; though any such defect in the Visitor's title is no doubt cured by the new Statutes.

Far more elaborate and original was the design of Walter de Merton, the true Founder of the English College-system. But before approaching this part of our subject it will be well to notice the growth of those Houses by which at Oxford as at Paris the conception of an academical College must have been to a large extent suggested—the Colleges of the Regulars. The establishment of the Mendicant Orders in Oxford has already been sufficiently dealt with. It will be enough, therefore, to notice the Colleges of the older Orders, which, being entirely designed as places of study, were more closely analogous to the secular Colleges than the Convents of the Mendicants.

THE MONASTIC COLLEGES.

The example of the Mendicants was tardily followed by the older religious orders. The days were over in which the Benedictine Monasteries had been the repositories of the learning of the age. As places of education they had been completely superseded by the growth of the Universities: as houses of learning their reputation had decayed with the decay of the positive or contemplative Theology which had once flourished within their walls. Only very tardily were they shamed by the intellectual activity and consequent fame and influence of the Mendicants into somewhat feeble efforts to rescue their orders from the reproach of entire ignorance.

Gloucester Hall. In 1289 a Chapter-general of the Benedictines held at Abingdon imposed a tax of 2*d.* per mark upon the revenues of all the Benedictine Monasteries in the province of Canterbury, for the purpose of maintaining a Hall at Oxford as a Studium for their monks[1]. Four years later,

[1] The documents are printed in Reyner, *Apostolatus Benedictinorum in Anglia*, Duaci, 1626, App. pt. i. p. 53 *sq.*—some of them reproduced

John Giffard, Lord of Brimsfield, established a House, henceforth known as Gloucester Hall, for thirteen monks from the great Monastery of S. Peter at Gloucester; but in 1291 this House was apparently thrown open to all Benedictine Convents in the southern province, though John Giffard's benefaction must (it may be presumed) have still been enjoyed by Gloucester alone. Gloucester Hall thus became an independent College, and its Prior ceased to owe any special allegiance to the Abbot of Gloucester. The House was under the general government of the Benedictine Chapter-General and its Presidents, who elected the Prior. The expenses of each monk (except the thirteen from Gloucester) were defrayed by his own House, each Convent being obliged to send one or more scholars to Oxford[1]. The old buildings of Worcester College still exhibit the arms of some of the chief English Monasteries, which are no doubt to indicate the separate staircases built by and appropriated to their respective Houses[2].

Durham College.

At nearly the same date we find Benedictine Monks from Durham—the greatest Monastery of the Northern province—sent by their then Prior, Hugh of Darlington, to study at Oxford[3]. Richard of Hoton, who succeeded him 1289, began the erection of a College-building[4]. Richard

in Dugdale, *Monasticon*, ed. Caley, IV. 1823, p. 407 *sq.*; *Hist. Mon. S. Petri Glouc.* ed. Hart, 1863, I. p. 32; *Annales Monastici* (*Worcester*), ed. Luard, IV. p. 488; *Chron. Petroburgense*, ed. Stapleton (Camden Soc. 1849), p. 31. Wood deals with Gloucester College in *City*, II. p. 248 *sq.* I have been unable to find any confirmation for Wood's statement that a *Studium Generale* of the Benedictines at Oxford is mentioned in 1175. Cf. also Mr. Daniel's Art. on Worcester College in *The Colleges of Oxford*, p. 425 *sq.*

[1] Wilkins' *Concilia*, II. pp. 595, 714, &c.

[2] The Monks had their own Regent in Theology. Reyner, App. pt. iii. pp. 105, 107, 134–136, 162, 177, &c.

[3] 'Monachos misit Oxoniam ad studendum.' Robertus de Graystanes ap. *Hist. Dunelm. SS. Tres* (Surtees Soc.), ed. Raine, pp. 72, 73.

[4] *Ib.* p. 73. The following statements rest on *Hist. Dunelm.* p. 138, with the documents printed by Raine in his Appendices, and in Wilkins, *Concilia*, II. p. 613 *sq.* Cf. Dugdale, IV. p. 676 *sq.*; Wood, *City*, II. p. 263 *sq.*; Blakiston in *Colleges of Oxford*, p. 323 *sq.* A number of documents relating to the College (once in the possession of the Dean and Chapter of Durham) are copied in Twyne, II. f. 32 *sq.*

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de Bury, Bishop of Durham, greatest of medieval bibliophils, contemplated its permanent endowment[1]: and actually bequeathed to it the invaluable Library which he had collected at Auckland. His successor, Thomas de Hatfield—the magnificent builder of the Castle Hall and the Episcopal throne at Durham—actually entered into an agreement with the Prior and Convent for the joint-endowment of a College for eight monks and eight secular scholars: but the project was not completed till after his death in 1381, when it was undertaken by the Convent under an agreement with Hatfield's executors. By Bishop Hatfield's Ordinance the monastic students of Theology and Arts were placed in the position of what would afterwards have been called Fellows or full members of the Society: the secular students of Arts and Grammar, who held their places for seven years only, waited upon the Fellows, sat at a second table in the Hall with the servants, and were in fact mere servitors of the lordly Monks of Durham. The Library built to hold the treasures accumulated by de Bury[2] still forms a connecting link between the ancient monastic House and the modern Trinity College erected on its ruins by Sir Thomas Pope in 1554.

Canterbury.

The Monks of Christ Church, Canterbury, had a Hall of their own in or near the site of the present S. Edmund Hall as early as 1331[3], (besides a house in Gloucester College), which, however, they sold to the Monks of Westminster after acquiring a regularly endowed College of their own in Canterbury Hall, to which we shall return hereafter[4].

[1] He bound himself in 1338 to fulfil a vow made to that effect by Edward III on the field of Halydon, on condition that the King would abandon his claim to the Advowson of Symondburn. *Reg. Palatinense Dunelm.*, ed. Hardy, III. pp. 210, 211.

[2] That the Bishop intended his Library for Durham College is proved by *Philobiblon*, cap. 18 *sq.*, where he lays down elaborate regulations for its use. That he actually gave it is doubted by his latest editor, Mr. Thomas (*Philobiblon*, p. xxix), but without sufficient reason.

[3] *Literæ Cantuarienses*, ed. Sheppard, 1887–9, I. pp. 358, 392. It is described as 'situatam juxta ecclesiam Sancti Petri in Oriente, ubi solebat Dominus Archiepiscopus manere.' S. Edmund Hall possibly marks the site, though others often refer the name to a former owner called Edmund.

[4] *Ib.* III. p. 14.

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The Cistercian Abbey of Rewley, founded by Edmund, Earl of Cornwall, in or about 1280[1], has usually been looked upon as an independent monastic House rather than a College; but it was founded to serve the purpose of a College for students from other Houses, and is often spoken of as the 'Studium' of the Order[2]. Other Cistercians, however, resided in Halls temporarily hired for the purpose, till in 1432[3] Archbishop Chicheley, the founder of All Souls', founded, on the site now occupied by S. John's, a College of S. Bernard, though the Provisor and scholars continued to be supported by their respective Houses[4].

Rewley.

Cistercian Studium.

S. Bernard's.

In the same way the Canons Regular of the Order of S. Augustine acquired in 1435 a College known as S. Mary's College, to which Canons were sent from all the Houses of the Order[5]. It was situated on the site of a house now known as Frewen Hall; and a touch of historical interest is still imparted to the little ruin in New Inn Hall Street by the remembrance that Erasmus

S. Mary's College.

[1] 'Anno 1280.—Petitionem nobilissimi viri comitis Cornubiæ, qui petit propriis sumtibus ædificare studium nostri ordinis Oxoniæ in Anglia, capitulum generale plenis gratiis prosequens, approbat et confirmat, committens executionem negotii abbati de Thama in plenaria ordinis potestate; ita quod eisdem libertatibus, juribus, et dispensationibus per omnia gaudet ille locus, quibus gaudet studium B. Bernardi Parisii (*sic*), et studentes monachi in dicto studio de diversis abbatiis congregati; et dictus abbas de Thama curam habeat dictæ domus, sicut et studii sancti Bernardi venerabilis frater domus Claræ-vallis.' Doc. in Fortunato de S. Bonventura, *Historia da real Abbadia Alcobaça*, Lisbon, 1827, Provas, p. 7. Some other notices about Rewley are collected by Mr. Little in *Eng. Hist. Rev.* Jan. 1893.

[2] *Annales de Dunstaplia*, in *Ann. Mon.* ed. Luard, III. p. 287; Dugdale, V. p. 697.

[3] Dugdale, V. p. 745. The foundation deeds are preserved in a Cistercian Register of Privileges, Univ. Coll. MS. F. 93 *b*.

[4] Since the building was unfinished half a century later (*Proceedings of Somersetshire Archæol. Soc.* VI. p. 60 *sq.*), and the Monks were supported by their Monasteries (Wood, *City*, II. p. 308), it is clear that Chicheley could not have done very much for them. Cf. *Fourth Report of Hist. MSS. Com.* p. 469. The Statutes of 1446 were given not by Chicheley but by an Abbot named by the Chapter-General. (Smith MSS. XIII. p. 303.)

[5] Rot. Pat. 14 Hen. VI. p. 2, m. 19. The Statutes of this College, which had long disappeared, I found in 1890 in an unnumbered volume of the 'Rawlinson Statutes' in the Bodleian Library. Cf. Wood, *City*, II. p. 228 *sq.*

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took up his quarters there during his residence in Oxford[1]. In the same year the Canons Regular of Oseney turned their dependent House of S. George's within the Castle into a College for their own young Canons as well for other seculars under a Warden chosen from their own number[2].

S. George's College.

Unimportance.

These monastic Colleges possess very little importance in the history either of learning or of education. Monks never applied themselves cordially to the scholastic Philosophy or Theology. The older monastic Orders never produced a single great Theologian from the days of S. Bernard till the reign of the Scholastic Theology was over and was superseded by an age of learned Theology. The aim of these monastic Colleges was probably very simple and practical. It was only a select few of the younger monks who were sent to them. What the monastic Houses wanted was not to produce great Theologians or to contribute to the advancement of Learning, but simply to have a few instructed Theologians capable of preaching an occasional sermon to their brethren and of imparting an elementary theological education to the novices. Another purpose which probably interested the average Abbot more than the educational needs of his House was the supply of Canonists competent to transact its legal business and to represent it in the ecclesiastical Courts.

Services of Monks to Literature.

The real services of the monks to literature in the later Middle Age lie in a field quite alien to the studies of the Universities. To the Monasteries belongs the credit of producing the great mediæval historians. The Benedictine monks of this period were above all things men of the world: their point of honour was a devotion to the interests of the House: their intellectual interests lay in its history and traditions. As a body they had as little interest in the controversies of the age as they had in the practical work of

[1] Richard Charnock, the Prior of this House, is praised by Erasmus in *Ep.* xliv. (*Opera*, Lugd. Batav. 1703, T. III. c. 42.) A letter dated from S. Mary's College is printed, *ib.* T. IV. c. 1791.

[2] Cf. Wood, *City*, II. p. 180. Mr. Lyte does not notice the existence of this College. The Statutes are preserved in the same volume as the S. Mary's Statutes mentioned above.

the Church. Both Theology and preaching were abandoned to the Friars. The consequence was that no great Schoolman was a monk; while not more than two or three important historians were Friars. It is worth noticing that as the monastic orders sank into a yet deeper quagmire of moral degradation towards the close of the fourteenth century, the number and quality of monastic historians began to fall off[1]. The connexion between intellectual and spiritual vitality, in Societies if not in individuals, is much closer than is sometimes supposed.

MERTON (1263 or 1264).

BRODRICK, *Memorials of Merton College* (Oxford Hist. Soc. 1885), especially valuable for the biography of individual Fellows and for the post-medieval period, has not altogether superseded the *Sketch of the Life of Walter de Merton* by EDMUND [HOBHOUSE, then] Bishop of Nelson, 1859. The *Foundation Statutes of Merton College, Oxford*, with a few other documents, have been published in English by PERCIVAL, London, 1887. A number of documents are contained in that curious farrago, KILNER'S *Pythagoras' School in Cambridge* (no place or date).

The Founder.

Walter de Merton was one of those ecclesiastical civil servants or statesmen who rose to high position in the Church almost before University distinction had become the ordinary passport to a public career. He may have been a student at Oxford; but it is pretty certain that he never graduated there or elsewhere. He resolved to devote the savings of a successful life to secure to future scholars, and especially to his own family, the advantages which he had not himself enjoyed. The chief object of the College was to provide for the education of Theologians, though a limited number of the Fellows might be allowed to proceed in Civil and Canon Law.

It was probably in the year 1263[2] that Walter de

[1] Even in 1345 Richard de Bury complains that 'calicibus epotandis non codicibus emendandis indulget hodie studium monachorum.' *Philobiblon*, ed. Thomas, pp. 42, 43.

[2] For the following particulars it seems sufficient to give a general reference to the printed *Statutes*.

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First foundation of 1263.

Merton made over his Manor House and estate of Malden in Surrey to a community of Scholars. The formal and permanent establishment of the College was effected, and the first Statutes granted in the following year[1]. The nature of this 'House of the Scholars of Merton' has often been strangely misrepresented. It has been spoken of as if the Founder had conceived the design of planting a College of students in Arts and Theology in the midst of the corn-fields of Surrey. So far is this from being the case that the scholars, in whom the property of the house was vested, were nevertheless not allowed by the Statutes to reside within its walls for more than one week in the year at the annual audit. The House was to be occupied by a Warden (*Custos*), who was not (so far as appears) required to be either a Priest or a scholar, together with certain 'Brethren' (a name probably suggested by the lay brothers who farmed the estate of a Benedictine Abbey), at other times spoken of as bailiffs or stewards, whose business it was to manage the property and pay their allowances to the scholars[2]. There was also a provision for certain 'ministers of the altar' who were no doubt to serve the Parish Church, and who lived with the Brethren. The scholars were all originally nephews of the founder; and their number was to be filled up from the descendants of his parents, or (failing a sufficient number of these) other 'honest and capable young men' with a preference for the diocese of Winchester. They were to study in some University, where they were to hire a Hall and live together as a community. The Warden did not accompany them; he was not their Master or instructor, but rather the representative of a rich uncle who intended for all

[1] See the deed in Hobhouse, p. 15 (as to the date, cf. *l. c.* p. 11). From a charter granted by the Earl of Gloucester in 1262 it appears that the Founder had contemplated vesting the property in trust with the Priory of Merton, or some other religious House, on the plan of Basset's foundation: *l. c.* pp. 9, 10.

[2] It is curious to find the Archbishop in 1295 writing '*fratribus* et scolaribus domus scholarium de Merton': he goes on to speak of 'vestre congregacionis cenobium.' (Lambeth Reg. Wynchelsey, f. 175 *b*.)

time to serve at once the Church and his own family by providing for the education of his less wealthy relations; and as such he was no doubt to exercise a paternal control—but a control from a distance—over their conduct at some University.

Provision for possible transfer.

The uncertainty which Merton's first Statutes express as to the place of study arose from the dangers with which dissensions within, and the Civil War without, threatened the continuance of the Oxford Studium. The Statutes are dated in the very year of the Northampton Secession, and the foundation clause contemplates not merely the possibility of a removal of the Studium from Oxford, but of a state of things in which it might be expedient for his scholars to transfer themselves to Paris or elsewhere. It is worth mentioning that the Founder in 1269–70 acquired a House at Cambridge for his College[1], no doubt in view of the possibility of a migration to that University.

Statutes of 1270.

As a matter of fact, however, Walter de Merton's scholars were from the first established in a Hall at Oxford. By the second body of Statutes, which was given to the community in 1270, their corporate life at Oxford is more fully regulated. There is now to be one Sub-Warden at Malden and another to preside over the students at Oxford; but it does not very clearly appear whether the Warden is intended to reside at Oxford during term-time. The Founder had long been engaged in acquiring property in Oxford. In the course of the years 1265 and 1266 S. John the Baptist's Church was impropriated for the benefit of the College; and several houses in its immediate neighbourhood were made over to the scholars. The site thus acquired became the permanent home of the College henceforward known as Merton Hall in Oxford[2]. In 1274 the Founder, now Bishop-elect of Rochester, issued a new code of Statutes, by which the Warden is undoubtedly placed at the head of the Oxford community.

Permanent establishment in Oxford, 1266.

[1] Afterwards known as Pythagoras' Hall—the subject of Kilner's monograph.

[2] Hobhouse, p. 17; Brodrick, p. 5.

CHAP. XII, § 6. These two changes—the move from the hired house to its own property and the altered position of the Warden—are all that is involved in the so-called transfer of the College from Malden to Oxford. The country-house at Malden was still occupied by the Brethren and Ministers as before, and stood in precisely the same relation to the Oxford community, except that the College had by this time acquired other estates, likewise farmed by bailiffs, upon any one of which the audit might now be held. At Oxford the community had become responsible for the services of the impropriated Church: three of the seniors were to serve it as Chaplains: the rest were to attend the canonical hours 'when they could find time for them,' i. e. on Sundays and Festivals. Three Bursars received and administered the revenues of the Society. Besides the Sub-Warden, there were to be 'Vicenarii' placed over every twenty or 'Decani' over every ten, as might be thought desirable. The duty of these Deans consisted mainly in keeping the peace among the cousins. To assist them in the maintenance of discipline, and especially to enforce the rule of Latin-speaking, one of the seniors in each chamber was responsible. This last provision when introduced into Wykeham's foundation at Winchester may be said to have originated what is known as the 'monitorial system.' In the Universities it is not without parallel in other College Statutes, but was naturally superseded when the usual number in each chamber became limited in the later medieval period to two and still later to one: but the Dean still remains, amid all changes in the character of the discipline enforced, the disciplinary officer in most English Colleges.

The Rule of Merton. This careful provision for the maintenance of reasonable order and discipline in the House will not seem superfluous to anyone acquainted with the laxity and licence of life in the University towns of the period. Merton's regulations were destined eventually to produce a revolution in the character of University life in England. His scholars were to be ready upon admission to their year's probation to begin the study

of Arts. After completing their period of necessary regency in the Arts schools, the majority were to study Theology, a few were to be allowed to study Canon, and, as subsidiary to it, Civil Law. As some of the scholars might often be only thirteen or fourteen years old, it was natural that for many purposes only a certain number of the seniors, varying in different cases, should be associated with the Warden in the government of the House. The Society, however, possessed a higher degree of autonomy than most Parisian Colleges. The thirteen senior Fellows elected the Warden: vacancies were filled up by co-optation. In case of disagreement in the election of Warden they were to be starved into unanimity, like an old English jury, by a 'subtraction of victuals.'

Independence of College.

Although the allowance which each might receive from the common fund was strictly limited, the scholars were in a different position to the 'Bursars' of continental Colleges. They were corporate landowners, not (like the scholars of Balliol and many Parisian Colleges) pensioners receiving an endowment administered by others. The Archbishop of Canterbury was merely Visitor with power to enforce the Statutes. So far as appears, the scholars might reside in College throughout the year, whereas at Paris a scholar's connexion with his College usually ceased during the long vacation. In later English College Statutes residence during a great part of the long vacation is actually enforced. Moreover the provision did not terminate with the attainment of the Mastership in the Faculty wherein the scholar had been studying. A fellowship was always voidable upon promotion to a benefice of a certain amount; otherwise it was (as a rule) tenable for life, though later Statutes generally required holy orders to be taken sooner or later as a condition of its retention. We must not, however, fall (with some modern enthusiasts for the collegiate ideal) into the anachronism of attributing to our College founders the enlightened design of providing homes for life-long study or 'research.' Long as was the education of the Theologian or even of the Canonist, it

CHAP. XII, § 6. was gone through as a preparation for active service in Church or State elsewhere than in the University. It was assumed that Fellows would be quite eager enough to take a good living as soon as they could get one: till then the English College-Founders[1] desired to provide for their scholars' maintenance. In so doing they were following the example of Walter de Merton who (it must always be remembered) was providing, as the successful medieval ecclesiastic was expected to provide, for the members of his own family. The life-fellow, whether 'idle' or studious, was a being quite undreamed of by any early College-Founder[2].

The Parvuli.

Walter de Merton undertook to provide for his nephews from their earliest childhood. Besides the full members of the Society provision was made by the original Statutes for the reception and education in the country-house of a few small boys of the Founder's family, who might want the means of providing them with such preliminary instruction in 'Grammar' as would enable them to begin the study of Arts at Oxford. When the Society were lodged in their own house at Oxford, these 'parvuli' were moved into the College or its neighbourhood[3]. The Statutes provided for at least twelve of these 'secondary scholars.' They were to be instructed by a Grammar-master, whom the more advanced scholars might also consult 'without blushing' upon matters pertaining to his Faculty.

Provision for increased numbers.

It should be added that Walter de Merton did not, like some College-Founders, definitely limit the number of his Fellows. During the earliest years of its corporate life, the College property was continually increasing through

[1] In *some* of the Paris Colleges Theologians are allowed to remain till they can get a 'living'—it is not there contemplated that they should be allowed to stay after the offer of a living. But in most cases resignation after the degree is enforced.

[2] This is clearly evident in the Statutes of Queen's (p. 15), which provide that the *refusal* of a benefice (by whomsoever offered) 'occasione moræ in ipsa aula ulterius faciendæ' shall vacate a Fellowship.

[3] At one time they appear to have been lodged in Holywell — later close to the College in Nun Hall (afterwards S. Alban's). Brodrick, p. 12.

the supplementary liberality both of the Founder and of other benefactors. It was provided that as many Fellows should be elected as the revenues would maintain. A provision for a similar increase in the number of Fellows proportionate to their increasing wealth is found in many College Statutes even where the original and normal number is prescribed. It is probable that these provisions have very seldom been observed. Already in 1284 Archbishop Peckham complains of the excessive and unstatutable salary which the Merton Fellows had assigned to the Brewer and the Cook and of the increase which they had voted to their own allowance of 50*s.* per annum to defray the cost of 'delicate living[1].' By 1425 the College had even ventured on diminishing the number of Fellows[2]. The history of the English Colleges is one of increasing wealth and increasing luxury secured by unearned increments and some perjury. Such a result is due largely to that freedom from external financial control of which Walter de Merton set the example. On the other hand, the interest of English Fellows in their property has prevented the waste, dissipation, and loss of College revenues of which the history of Paris supplies so many examples.

Advowsons.

The Founder's care of his academic family did not cease with the conclusion of their studies. Advowsons were often acquired by College-Founders simply in order to impropriate the Rectories, which was, of course, very much the cheapest way of securing a revenue. But in some of the advowsons acquired by Walter de Merton the Rectories were not impropriated. It appears, therefore, that it was distinctly a part of his purpose at least to give his Scholars their first step upon the ladder of ecclesiastical promotion. Walter de Merton is thus distinctly the founder of that system of College livings which was almost unknown out of England[3] and which has exercised so powerful an

[1] *Statutes*, pp. 41, 42.

[2] *Ib.* p. 46.

[3] Canonries and Rectories were often held and served by members of Colleges, but I do not remember any case of a continental Founder making it part of his design to provide preferment for his Collegians after leaving the College.

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influence for good and for evil over the English Universities and the English Church.

Fellows and Portionists.

In the 'boys' of Merton College the germ may already be discerned of the distinction so characteristic of English Colleges between the full members of the Society, afterwards known as Fellows or Socii[1], and the scholars or inferior and temporary foundationers. A still sharper distinction between the higher and lower class of foundationers was introduced when the body of Portionists (now corrupted into Postmasters) was engrafted on to the Merton foundation by John Wylliott about the year 1380. The Portionists, though possibly not junior to the younger Fellows[2], were a distinctly inferior and poorer class, who had no share, and no prospect of rising to a share, in the government of the House, and were in fact the servitors of the individual Masters, by whom at least from the end of the fifteenth century they were appointed[3].

Buildings.

It forms no part of my plan to trace in detail the architectural history of the Universities: but a word must be said as to the growth of the buildings in this typical English College. It is important to notice the prominence given to the Chapel in Merton's scheme; for, though the Parish Church already existed, the Founder at once proceeded to rebuild it on the scale not of a mere Oratory, like other College Chapels already existing at Paris

[1] Originally the term was employed to denote the relations between those who boarded together in the same Hall. Eglesfield, the Founder of Queen's, is the first Statute-maker who used *socius* to distinguish full members of the Society from inferior foundationers. His example is followed by Wykeham, the 'verus et perpetuus socius' being distinguished from the probationer. The distinctive use of *scholaris* for the *inferior* members of the foundation is still later. They are denoted by a great variety of terms—*pueri*, *scholastici*, *sizatores* (at Cambridge)—and appear to have been required to act more or less as servants or 'fags' or humble companions to the actual Fellows. Gradually—in post-medieval times—we find the class differentiating itself into 'Scholars' or foundationers who had no share in government but who had no menial duties, and 'servitors' or 'sizars,' who still performed such duties. 'The Master (or President) and scholars' still forms the official designation of the Head and Fellows in many Colleges.

[2] Brodrick, *Colleges of Oxford*, p. 19.

[3] *Ib.*, p 69.

or elsewhere, but of a considerable Collegiate Church. The high altar was dedicated in 1277, the year of the Founder's death, though the building was not yet finished. Walter de Merton thus at once emphasized the ecclesiastical aspect of the English College (though in other respects his foundation was much less ecclesiastical than later Colleges) and founded a certain tradition of architectural magnificence in which there is some reason to believe that the English Colleges long surpassed those of other countries. Another feature in which Merton served as the type of later Colleges cannot be attributed to the deliberate design of the Founder. It was only gradually that the buildings assumed the familiar form of an Oxford Quadrangle. 'The system of this first College seems to have been to keep the buildings separate: the collegiate quire with its vestry on the right hand of the courtyard; the refectory [of which the doorway appears to belong to Merton's original plan] opposite to the entrance, with its kitchen and offices beyond; the Master's *hospitium* on the left; and the scholars' *hospitium* as a separate dwelling also. On the south side of the church there is now a real quadrangle, called Mob Quadrangle, of great apparent antiquity, which nevertheless is the result of a gradual accumulation of buildings. The northern side is formed by a range of chambers of the sixteenth century standing within ten feet of the quire buttresses, but, previous to the building of this range, the northern side was formed by the church itself. The eastern side contains the vestry and the treasury, both of Merton's time; and it is completed by a range of chambers of uncertain date. The west side was at first formed by the wall of the south transept (now covered by the north range), and by part of the library, begun about 1376, long after Merton's time. This library returns and closes the quadrangle on the south[1].' By the time that the venerable quadrangle was complete, other quadrangles already existed at Oxford and Cambridge. The earlier of them arose from

[1] Willis and Clark, *Architectural History of Cambridge*, III. p. 250.

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the loose arrangement of buildings round a Court, but at last the quadrangle was adopted as the natural form in which College buildings might be deliberately planned. The quadrangle of Corpus Christi College, Cambridge, is said to have been the first originally planned close quadrangle. At Oxford the form almost accidentally assumed by the buildings of Merton was deliberately adopted by the Founder of New College, whose 'buildings served as a model for all the large foundations which were subsequently undertaken[1].'

EXETER (1314–1316).

Life of the Founder in OLIVER, *Lives of the Bishops of Exeter*, 1861, p. 54 *sq.* BOASE, *Register of Exeter College* (privately printed), Oxford, 1879, with some documents and a Preface which amounts to an interesting College History. There is a second and enlarged edition of this very learned work, without the Preface (Oxford, 1893–4), and another revised edition with the original Preface expanded into an ample 'History' but without some of the Latin documents (Oxf. Hist. Soc., 1894). My references are to the first edition. The muniments are calendared in the *Second Report of Hist. MSS. Com.* p. 126 *sq.* The Statutes of this College were not printed for the University Commissioners.

In the College founded by Walter de Stapeldon, Bishop of Exeter, in or soon after the year 1314[2], we return once more in some respects to the simpler type of College prevalent at Paris and represented at Oxford by Balliol. The main endowment of the College—consisting merely in two impropriate Rectories and an acre of land in Cornwall—was vested in the hands of the Dean and Chapter of Exeter, who paid over the revenue to the College[3]. A single scholar served the College as Chaplain and studied Theology or Canon Law: the remaining twelve were all Artists, to be chosen from the diocese of Exeter, and lost their places upon completion of two years' Regency in Arts. But, though a College of Artists, the scholars

[1] Willis and Clark, III. p. 256.

[2] *Reg.* pp. i, 1. The first extant 'Ordinance' of the Founder is dated 1322 (*ib.* p. xl). The Statutes of Sir Wm. Petre give 1316 as the date of the Foundation.

[3] *Reg.* pp. xii, xliv, xlvi, &c.; Boase, in *Colleges of Oxford*, p. 77.

enjoyed an even fuller autonomy—in everything except the management of their property—than other Oxford Colleges. The Rector was elected by themselves, but held office only for a year. Stapeldon was a Canonist, and it is impossible to doubt that he must have got the idea of this democratic arrangement while studying Law at Bologna or some other Southern University. The scholarships were filled up by the College itself and were restricted to natives of the Founder's diocese, with the exception of the Chaplain-fellow, who was nominated by the Dean and Chapter of Exeter[1]; an arrangement which lasted till the last University Commission. The Scholars were at first quartered in Hart Hall and Arthur Hall, on the site of the present Hertford College: shortly afterwards three houses were acquired on the site of the present Exeter College—a name which eventually superseded the earlier designation of Stapeldon Hall. Although not entrusted with the management of their Cornish property, the College held its Oxford House in its own name, and most of the later benefactions were made to the College directly. In 1566 the Rectorship became a permanent, instead of an annual office[2], and the College was thus practically re-modelled in accordance with the now accepted Oxford or Mertonian type of College constitution; but it did not acquire fellowships for Theologians (in addition to the Chaplain) till the new foundations by Sir William Petre in 1566.

ORIEL (1324).

The Charter of Foundation and Foundation Statutes were withheld from the Commissioners of 1853, but were privately printed for the Commission of 1855. I am indebted to Mr. Shadwell, Fellow and late Treasurer, for access to these Statutes and to his transcripts from the College documents. Valuable instalments of the results of Mr. SHADWELL's work upon the College documents has been given us in his contribution to *The Colleges of Oxford*, and in the first volume of his *Registrum Orielense* (London, 1893).

[1] Subject to a veto by two-thirds of the College. In case of disagreement the Chancellor of the University appointed. In other matters the visitation belonged of course to the Bishop of Exeter.

[2] *Reg.* pp. lii, 40. The power of re-election had been granted in 1384.

CHAP. XII, § 6. The Statutes printed for the Commission of 1853 are those drawn up by the College in the year following the Foundation. *Second Report of Hist. MSS. Com.* p. 136.

Foundation and Statutes.

The fifth Oxford College was more important than any of its predecessors except Merton: and its original Statutes are copied almost *verbatim* from the 'rule' of that House. In the year 1324 Adam de Brome, Clerk in the Chancery, Almoner of Edward II, and Rector of S. Mary's, Oxford, acquired a Hall known as Tackley's Inn on the South side of the High Street[1] near S. Mary's Church: and therein established a 'College of Scholars in Theology and the Dialectical Art.' A little more than a year later (Jan. 1, 1325–6), however, the possessions of the College were surrendered into the King's hands and the College re-established with the King as its nominal Founder—an arrangement which brought the Royal Chancellor into the position of Visitor[2]. The endowment was partly supplied by the impropriation of S. Mary's Church, whose services were maintained by the College, and its Choir used by its members[3]. A body of Statutes was given to the College by the King in the year of the re-foundation, which was, however, immediately superseded by a code drawn up by the College and confirmed by the Bishop and later by Edward III[4]. This was due to the necessity of dissociating

[1] As Adam de Brome obtained a Royal Licence to buy a messuage for the College, and Tackley's Inn was bought, it is probable that this was the actual residence of the College, if it ever came into substantive existence prior to the Royal re-foundation. As to the locality of the College after this, Mr. Shadwell says, 'It probably was at first established either in S. Mary's Hall, the Manse or Rectory House of S. Mary's Church, or in Tackley's Inn, a large messuage in the High Street, on the site now occupied by the house No. 106.' (*The Colleges of Oxford*, pp. 89, 90.)

[2] The College was governed by the second code (though there are isolated cases of appeals to the Chancellor) till 1726, when the Court of Common Pleas decided that the first Statutes were still in force, and the Crown and not the Bishop Visitor. See Shadwell, pp. 113, 118 *sq.* This is a characteristic piece of lawyers' history.

[3] A Chapel in the College was built by Richard Earl of Arundel, *circa* 1373 (Shadwell, p. 112).

[4] The then Bishop of Lincoln, Burghersh, was an adherent of the now triumphant Queen's party, who used his influence to secure the Visitatorial rights for his See. The consent of the Bishop, which even the Royal

the College from the declining fortunes of Edward II, and the most important change made by the new Statutes was to substitute the Bishop as Visitor for the King or his Chancellor. The College consisted of a Provost and ten scholars, at least Bachelors of Arts, who, after completion of Regency, were to study Theology, except three, who might be allowed to study Civil or Canon Law. The smaller numbers of the College not calling (as at Merton) for many Deans, the Oriel Statutes provide for only one, who here alone is the second person in the College. The Fellows enjoyed, moreover, still more completely than at Merton the autonomy characteristic of the English College. There being no scholars on the foundation below the degree of B.A., no strong line of demarcation is drawn between Artist and Theological Fellows: and all take part in the election of Warden and the government of the House. Certain functions were, indeed, restricted to a limited number of the senior Fellows, and in many later Colleges the greater part of the ordinary business of the College was performed by some such 'Seniority' (to use the Cambridge term); but the choice of a Head and the right of assenting to the use of the common seal were here, as almost always in Oxford, vested in the whole body of Fellows. Even the power of making new Statutes is vested in the Provost and 'ten or eight senior and discreter Fellows with the approval of the Visitor[1].'

CHAP. XII, § 6.

Two other characteristics of the Oriel Statutes deserve notice as illustrating how a Founder's will may modify the whole history of an institution in totally unforeseen ways for centuries after his death. All the original Fellowships at Oriel were unrestricted to any part of England, and there were no 'boys' or other inferior foundationers who enjoyed any right or expectation of succeeding to them. Some close Fellowships were founded at later dates: but never more than six or seven. The rest of the Fellowships

Open Fellowships.

Charter could not dispense with, was not given till after the change.

[1] This provision is taken from Merton, where however, the Visitor's consent was not required.

CHAP. XII, § 6.

always remained open to public competition. This peculiarity contributed largely to make an Oriel Fellowship the blue ribbon of University distinction, and constituted it the home first of the liberal movement to which the University owed its intellectual revival, and then of the ecclesiastical movement which has borne so large a share in the re-awakening of the Church of England from its eighteenth-century lethargy. It must not, however, be hastily concluded that local restrictions were always bad. The older English Colleges exhibit (in their original constitution) less local restriction than those of Paris: most county Fellowships are of comparatively late origin and in some cases seem to have been introduced simply to prevent the elections being influenced by a county clique in the College. They certainly tended to check the system of corrupt elections for which open Colleges like All Souls obtained so scandalous a notoriety.

Local habitation.

Soon after 1327 the College moved into a new house, presented to it in that year by Edward III and known as La Oriole, a name which has now superseded its official title, the House of the Scholars of S. Mary in Oxford[1]. The old Rectory of S. Mary's Church was let to a Master and became an independent Hall, though closely connected with Oriel, till once again merged by recent legislation in the College originally (it would seem) partly or entirely housed within its walls. Besides its buildings, S. Mary's College received from Edward III another addition to its property in the ancient Leper-hospital of S. Bartholomew, the remaining buildings of which may still be seen a few hundred yards off the Cowley Road, a mile beyond Magdalen Bridge[2].

[1] It was also known as the King's Hall. 'La Oriole' was probably occupied by the College in 1329 (Shadwell, p. 91).

[2] For its history, see Wood, *City*, III. p. 504. The College was afterwards accused by the Hospital of stealing from it the skin of S. Bartholomew and other relics for the enrichment of S. Mary's. Inquisition of 14 Rich. II. n. 138 (Twyne, II. f. 45).

QUEEN'S (1341).

The Muniments are described in *Second Report of Hist. MSS. Com.* p. 137, and *Fourth Report*, p. 451. For the life of Eglesfield, see Poole in *Dict. Nat. Biog.*

Foundation.

The Queen's Hall, now known as Queen's College, derived its name from Queen Philippa, Consort of Edward III, by whose Chaplain, Robert de Eglesfield, it was founded in 1341. It was placed under the perpetual patronage of the Queens of England, a compliment which does not appear to have won for the College much material assistance from its original recipient, though many subsequent Queens Consort have been among its benefactors. The Statutes of this College are not based upon the 'rule of Merton,' but are of a far more elaborate character, and aim at regulating the whole domestic life of the Society down to such minutiæ as the composition of the College pottage[1], and the washing of the Fellows' heads[2]. In many respects the new departure now taken was followed by later College-Founders: other provisions represent the somewhat eccentric whims of the Founder of Queen's.

Statutes.

The original Society was intended to consist (when the state of its revenues should permit) of a Provost and twelve Scholars, in imitation of our Lord and his Apostles, who were to sit on three sides of the high table only in imitation of the conventional representations of the Last Supper (a custom still observed at Queen's) and to wear blood-red or purple robes in remembrance of Christ's Passion. The Fellows—these are the first Statutes in which the term *Socii* is the ordinary technical name of the full members of the Society—are still summoned together to dinner by the

[1] 'Item quolibet die fiat potagium congruum et competens, in aliquo vase ad hoc specialiter ordinato, de fabis vel pisis vel utrisque mixtis, de mensura dimidii busselli, Londoniæ, farina avenarum vel hordei competenter immixta, de communi emptis; et singulis diebus anni ad portam cum residuo fragmentorum pauperibus erogetur.' (*Statutes*, p. 33.)

[2] 'Lotrices etiam cameras scholarium vel habitantium quorumcunque in dicta aula non intrent, sed per eorundem barbitonsorem capita eorundem laventur.' *Ib.* p. 33.

CHAP. XII, § 6. sound of a trumpet; in this and other details the Court Chaplain is very anxious to have everything done in Court fashion (*curialiter*). His scholars may talk French instead of Latin at table. Eglesfield is clearly desirous that his scholars shall live in rather better style than the members of previous foundations. Whereas at Oriel, founded but fifteen years before, the Scholar's commons were limited to a shilling a week, rising when the price of corn was high to fifteen-pence, the Fellow of Queen's was to receive a table-allowance of not less than eighteen-pence a week, which might rise to two shillings at the discretion of the College. The provision for servants is also peculiarly ample. The establishment was to include a clerk of the treasury (probably one of the Chaplains [1]), caterers and dispensers, a miller to grind the College corn, a baker, a cook, and a scullion [2], a brewer, a porter-barber, a head- and under-gardener, and a night-watchman [3], besides ordinary servants.

Chaplains. Another matter in which the Statutes of Queen's mark a stage in the development of the College system is the increasingly ecclesiastical character of the foundation. A staff of thirteen Chaplains was to be maintained for service of the College Chapel or impropriated Church, if such a Church should ever be acquired in the immediate neighbourhood of the College [4]. Moreover, these are the first Statutes which expressly require the Fellows to take holy orders [5]. Here even the Canonists are required to

[1] 'Unum presbyterum, clericum thesaurarii nominandum cum provisoribus et dispensatoribus.'

[2] 'Unum garcionem coquinæ.'

[3] The duties of this official are peculiar. He is appointed (*Statutes*, p. 32) because 'necessariæ sunt nocturnæ vigiliæ, pro vitando ignis periculo [it is a remakable fact that there have been more fires at Queen's than at any other College], pro excludendo latronum incursu, pro variis etiam insolentiis explorandis . . . necnon pro horis et partibus noctium certius cognoscendis.' The latter function was to be performed by 'noctis temporibus fistulans consuetis, ut per hoc magis excitentur et sciant tam scholares quam etiam servientes quando melius quiescere debeant et quando melius laborare.' A night in medieval Queen's must have had its horrors!

[4] The Founder probably had his eye upon S. Peter's-in-the-East.

[5] Hitherto the only obligation to take orders arose from the obligation to take theological degrees.

take holy orders within a year[1] and Priest's orders within three years. CHAP. XII, § 6.

Poor Boys.

Besides the twelve 'true and perpetual' Fellows, all of whom were to be Theologians or Canonists, provision is made for the maintenance of twelve 'poor boys.' Their position was very much like that of the 'parvuli' at Merton, but they enjoyed no positive claim or even preference for vacant Fellowships, though eligible for them. For their instruction an Artist and a Grammarian are to be provided: while the Chapel clerks are to instruct them in plain-song[2]. They are to be daily opposed or 'posed in Grammar and Dialectic by the Fellows at dinner before sitting down to their own table. They are to earn the 'alms' that are doled out to them by singing in Chapel, and by waiting at table on Sundays and Festivals[3]. Besides the Chaplains and the 'poor boys,' thirteen poor men and women are to be daily fed at the side tables in hall: and broth is to be distributed daily at the College gate. Altogether in Eglesfield's Statutes the charitable and religious aspect of the College decidedly predominates over the scientific. Next to the desire to provide for the future of his own soul and those of his benefactors and relations, it was the Founder's aim to strengthen the Church in the wild regions of Cumberland and Westmorland: natives of those counties and of parishes whose tithes were impropriated to the College enjoyed a preference, though by no means an exclusive right, in the election to vacant Fellowships. The Archbishop of York, in whose diocese

Visitor.

[1] If illegitimate they are given three years, perhaps to allow time to procure a dispensation. The provision is remarkable, as many College-statutes expressly require legitimate birth. In some or all Universities—certainly at Paris—it was necessary even for graduation.

[2] As nothing is said of their attending Lectures in School Street, and the 'Artist' himself is not required to be a Master or even a Bachelor, it is not clear whether the boys were even to keep terms in the University.

[3] They are to wait only 'cum curialitatis honestas requirit' (p. 29). The name 'Taberdar' (originally given to these boys, but afterwards apparently confined to those of them who were B.A.) was derived from the fact that the tabard was the ordinary dress of Non-Masters.

CHAP. XII, § 6. the chief impropriated benefice was situated, became Visitor, and the College has always retained the character of a North-country foundation.

CANTERBURY (1362).

The documents relating to this foundation are calendared in *Fifth Report of Hist. MSS. Commission*, p. 450 *sq.* Islip's Statutes are printed in Wilkins, *Concilia*, III. 52a *sq.* Other notices occur in *Literæ Cantuarienses*, ed. Sheppard, London, 1887–9, in whose preface (II. p. xxv. *sq.*), the history of this College is fully dealt with. Cf. Wood, *City*, II. p. 275.

Canterbury Hall, founded by Simon Islip, Archbishop of Canterbury, in 1362, is an earlier instance of the attempt successfully made by Bishop Hatfield of Durham to unite Regulars and Seculars on the same foundation. Its failure was no doubt due to the fact that the Seculars and Regulars were here placed on a footing of entire equality, except, indeed, the Chaplain who—as was usual with such 'inferior clergy'—was required to wait on the Fellows and then dine at the second table. There is nothing in the Founder's Statutes to appropriate the College or any of its places to monks: on the contrary, there is the usual provision that a fellowship shall be lost by entering 'any religion.' The Warden was, however, to be chosen by the Archbishop out of three persons presented to him by the Warden and Convent, and it appears that the first Warden was actually a monk of Canterbury. But in 1365 the Archbishop changed his mind, turned out the monk Henry Wodhall from the Wardenship and put in a secular Master, one John Wycliffe, by some identified with the Reformer[1]. An appeal to Rome followed, which was

[1] Lambeth Reg. Islip, ff. 192 *b*, 306 *b*. This John Wycliffe is identified with the Reformer by the Monk of S. Alban's in *Chron. Angl.* (ed. Thompson, 1874, p. 115), and by Wodeford in Wycliffe's lifetime (ap. Shirley, *Fasc. Zisan.* p. 517), but the balance of evidence seems to me to point the other way. There are arguments for the identification in *Church Quarterly Rev.*, Vol. V. p. 129 *sq.* Against it see Shirley, *l.c.*, Lechler, *Life of Wycliffe*, translated by Lorimer, new ed., p. 103 *sq.*; and Poole, *Wycliffe and the Movements for Reform* (1889), p. 68. Wycliffe alludes to the dispute about the College in *De Ecclesia*, ed. Loserth, p. 871.

not decided till 1371, after the accession of a new Archbishop, the Benedictine Simon Langham, by whose favour the monks of Canterbury got a decision assigning not merely the Wardenship but the whole College to members of their own body[1]. In this position the College remained till the Dissolution, with the addition of certain secular servitorships after the model of those in Durham College founded by Archbishop Courtenay[2]. Its memory still lives in the Canterbury Gate and Quadrangle of Christ Church.

NEW COLLEGE (1379).

The old life of the Founder (by MARTIN) *Historica Descriptio complectens vitam ac res gestas Guillelmi Wicami*, Londini, 1597, contains little information about the Colleges. There are a few documents in the two scholarly Lives of Wykeham by Bishop LOWTH (2nd ed. London, 1759), and G. H. MOBERLY (Winchester, 1887 and 1893). WALCOTT, *William of Wykeham and his Colleges* (Winchester, 1882), still leaves something to be desired as a final work upon Wykeham and his foundations. *Cartæ de fundatione Coll. B. Mariæ Wynton. in Oxon.* (privately printed in 1879). There is a MS. life ascribed to, but really only corrected by, Warden CHANDLER in the New College Library. For some other documents, cf. OGLE, *Letters addressed to Oxford*, Nos. LV, LX, App. No. IV. Cf. also HARPSFIELD, *Hist. Anglicana Ecclesiastica*, Duaci, 1622, p. 522 *sq.*, and *Second Report of Hist. MSS. Com.* p. 132.

New era in College-building.

It has often been observed that the great foundation of William of Wykeham, Bishop of Winchester, marks a new era in the history of College-foundations. Yet it is not so much in any one distinctly original feature as in the greater scale of the whole institution that New College can justly be said to represent a new idea. In many of its features Wykeham's design was but a more splendid realization of the ideal which had floated before the mind of Robert

[1] *Lit. Cant.* II. (ed. Sheppard, 1888), p. 504; Higden, *Polychronicon* (continuation), ed. Lumby, VIII. 365. If the decision was based on Islip's Statutes there must have been a violent perversion of justice. But Courtenay (*Lit. Cant.* II. p. xxx) cites these Statutes as providing that the Warden shall be 'monachus ecclesiæ nostræ.' Mr. Sheppard thinks that Simon Langham issued fresh Statutes which Courtenay mistook for those of Islip, 'since it would be unreasonable to charge Archbishop Courtenay with wilful misquotation.' It is equally possible that a garbled copy was produced by the monks of Canterbury.

[2] Document in *Lit. Cant.* II. p. xxxi; cf. III. p. 184.

CHAP. XII, § 6.

Eglesfield, the Founder of Queen's, who had probably hoped that a large extension would one day be given to his foundation by Philippa or one of the future Queens Consort of England under whose special protection he had placed the College[1]: and he contemplated the possibility of the increase of both the Fellows and Poor Boys till the latter equalled in number 'the seventy-two disciples.' In these hopes, however, he was disappointed, and it is doubtful whether the funds of the College at first sufficed even for the maintenance of the elaborate establishment provided for in the Statutes. What Eglesfield proposed, Wykeham accomplished.

Foundation.

Wykeham's New College at Oxford appears to have entered upon a *de facto* existence not later than 1375, the Scholars being lodged in Hart Hall and other adjoining buildings[2]: but the foundation-charters were not granted till 1379. In 1386 the Society entered in solemn procession into the splendid habitation which their Founder had been preparing for it in an unoccupied corner within the walls of the town. To this year also belongs the earliest extant draft of the Founder's Statutes: in their final form they date from 1400[3].

School at Winchester.

The originality of Wykeham as a College-Founder is almost eclipsed by his originality as the Founder of the first English public-school. There had been indeed Colleges for Grammarians only at Paris, and Grammar Colleges were not unknown in connexion with great Cathedral Schools elsewhere. Winchester College was the first elaborate foundation for the purely grammatical education of boys which had yet been established out of connexion with either a Cathedral or a University. In the

[1] Eglesfield passed his old age in the College of his foundation, and appears to have so completely impoverished himself by his munificence that his personal expenses—down to the cost of shoeing his horse—had to be defrayed by the College. Ingram, I. p. 3.

[2] Lowth (1759), pp. 184, 185; Moberly, p. 103.

[3] Lowth, pp. 189, 190. The Papal Bull confirming his Statutes and exempting his College from all ecclesiastical jurisdiction, except that of the Bishop of Winchester, is dated 1398 (*ib.* p. 194).

place of the seventy-two young scholars whom Egles-field had thought of establishing in his Oxford College, Wykeham more wisely provided for his seventy young scholars a separate College and School at Winchester. From the scholars of Winchester and from them only—with a preference for certain dioceses—were to be chosen the seventy scholars of 'S. Marie Colledge of Winchester in Oxford.' On arriving at Oxford the boy, already not less than fifteen years of age, was to be ready to enter at once upon the course in Arts as a probationary scholar. After two years' probation he became a full Fellow. As might be expected in so young a Society, only the officers—the Sub-Warden, five Deans, and three Bursars, together with a certain number of the seniors, varying in different cases, but usually eleven—were associated with the Warden in the government of the House: but the youngest full Fellow—even below the degree of B.A.—was accorded the essential right of full membership in an English College, a vote in the election of Warden. In the conduct of its legal business a prominent share was assigned to the senior Canonists and Civilians. Ten Fellows were to study Canon, and ten Civil Law: the rest were to be students, first of Arts, and then of Theology. Artists were required to take Sub-deacon's orders within two years, and Priest's orders in the following year: in the case of Civilians and Canonists the step was postponed. Two Fellows might be specially allowed to study Medicine, and two others Astronomy: even these were required eventually to proceed to Priest's orders[1].

Tutors.

Among the other original features of the New College which give Wykeham an important place in the history of education is his provision for the tuition of his scholars. It has been already observed that the resident Head of a Parisian Arts College was a Regent whose primary function was to supplement the education of the Schools by private instruction. At Oxford the primary function of the Head

[1] In the case of Medici, 'post-quam inceperint et rexerint per triennium,' since a Priest was forbidden to be a Regent in Medicine.

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was to manage the property and rule the House: in the earlier College Statutes no provision is made for the education of the Scholars except in the case of the 'boys' of Merton and Queen's. Wykeham's Statutes supply this deficiency, not by entrusting the educational supervision of the younger members of the Society to the Head as at Paris, or to a single Artist as at Queen's, but by dividing it among the older Fellows, who draw in return an additional allowance from the College funds besides what they may have received from individual pupils[1]. At present, of course, this private teaching was merely supplemental to the 'ordinary' lectures of the public Schools. But nevertheless by these provisions Wykeham became the founder of the Tutorial system destined eventually to extinguish the lectures of the Regents in the public Schools and in time to reduce to insignificance those of the few salaried Professors in the Faculty of Arts whom Oxford gradually acquired.

Liberality of Founder.

We have already noticed the contrast which is presented by the meagreness of the College allowance at Paris and the comparative liberality of the Oxford Founders. To some extent the tradition was begun by Walter de Merton, and this tendency is still further developed at Oriel and at Queen's, and still more at New College. The table allowance is here, indeed, smaller than at Queen's[2]. But the deficiency is amply compensated for by the increased scale of the extra allowance to the senior Fellows for their services as Priests, Tutors, and Officers. Still more striking is the contrast between the magnificent and still extant buildings of New College, and the scanty remains which now survive

[1] *Statutes*, p. 54. This tuition lasted for three years.

[2] At Queen's the Fellows were to be much better fed than the stipendiary Chaplains and poor boys. At New College Fellows, Chaplains and Scholars alike are to receive 12*d.* weekly in plentiful seasons, which might be increased 'necessitate poscente' to 16*d.* in times of scarcity, and to 18*d.* when corn was at more than 4*s.* per bushel. At the same time it is provided that the members of the foundation are to be served 'habendo respectum debitum ad status et gradus . . . , æqualitate communarum . . . non obstante.' Thus practically the Theologian of New College might dine better than the Theologian of Queen's.

of earlier collegiate dwellings. Of all the College buildings erected in Oxford before the foundation of New College not one stone remains beyond the exquisite Chapel of Merton and a small part of its buildings: and these were not finished till after its Founder's death. At New College, the Founder, who had been introduced to his Sovereign's favour by his services as an Architect and Surveyor of the Royal works[1], was at least as much interested in the architectural designs for his foundation as in the compilation of its Statutes, and the buildings remain to this day, in their main outlines, exactly as the Founder designed them to be. Whatever may be thought of his originality as an educational reformer, Wykeham was unquestionably the creator of English Collegiate Architecture. The buildings of New College as a whole embody a complete and original architectural design, worthy of the greatest architect of the day. New College Chapel, still beautiful with the cold beauty of perfect proportion, once splendid with the richest products of medieval sculpture and painting and glass-staining, has well been called Merton Chapel idealised[2]. Though some bays of its unfinished nave were then standing, Merton Chapel perhaps suggested to Wykeham's mind the plan of a Choir with a nave stopping short at the transepts, as the most appropriate form for a College Chapel, which wanted only a spacious Choir for the choral masses and canonical hours, and room for a few side altars at which Fellows and Chaplains might say their private masses. Adjoining was a burial-ground surrounded by a cloister which a Cathedral Church might envy, for daily processions of Chaplains and Choir 'according to the use of Sarum.'

[1] He is probably attacked on this score by Wycliffe in his Tract *Why poor Priests have no Benefices*: 'And ȝit þey wolen not presente a clerk able of kunnynge . . . , but a kechen clerk, or a penne clerk, or wis of bildynge of castelis or worldly doynge, þouȝ he kunne not rede wel his sauter.' *Eng. Works of Wyclif*, ed. Matthew (Early English Text Society, 1880), p. 246.

[2] It is now regaining some of its ancient ornament.

CHAP. XII, § 6.

In an angle of the town wall the College buildings cut off an ample garden for the recreation of the scholars, or for the supply of vegetables to the kitchen. For the first time perhaps in the history of Europe a home was provided in which secular priests might be as well housed and enjoy almost as complete seclusion from the outer world as the novice in an old Benedictine Abbey.

Corporate dignity.

The Bishop had once, it would appear[1], thought of founding a Monastery; and he is the first English College-Founder[2] who seems to have conceived the idea of making a College not a mere endowed lodging-house for students, but a house of community which could vie in the splendour of its buildings and the dignity of its corporate life with the great capitular and monastic establishments. In some of the earlier Colleges, the Head was only allowed one room in the College, and was to dine with the Fellows in the common hall. The Warden of New College was to live like an Abbot in a house of his own within the College walls, with separate hall, kitchen, and establishment[3]. His salary of £40 was princely compared with the 40*s.* assigned to the Master of Balliol, or even the 40 marks of the Warden of Merton. Instead of the jealous provisions against burdening the College with the entertainment of guests which we meet with in the Statutes of Parisian Colleges, ample provision is made for the entertainment of important strangers by the Warden in his own house, or in his absence by the Sub-Warden and Fellows in the great hall, as they would have been entertained at the Abbot's or Prior's table in a wealthy Benedictine Abbey. It had been recognized, indeed, by the Founder of Peterhouse at Cambridge, that it would be 'indecent' for the Master to go a-foot, and productive of 'scandal to the

[1] This seems to be a fair inference from *Statutes*, § 68.

[2] In some respects an example had been set by the College of Navarre at Paris, whose Chapel was only dedicated in 1373. It is quite likely that Wykeham may have been to some extent influenced by this example.

[3] The Warden's cook is a man of sufficient social position to dine with the Fellows; his under-cook dines with the servants. *Second Report*, p. 134.

College' for him to ride a hack[1]; he was therefore allowed one horse of his own. But the Warden of New College was to have six horses at his disposal for himself and his attendants when he went on a progress round the College estates or otherwise. The most important of the earlier Colleges had made use of an impropriated Church for their Chaplains to say masses for the Founder's soul, and there the scholars assisted in surplices at the Sunday and Festival Services; though little Oratories had been established at Balliol and elsewhere. Thus the Warden and Fellows of Merton occupied the Choir of the unfinished Church of S. John the Baptist; Oriel College made a similar use of S. Mary's. In the same way, at Cambridge, Michaelhouse used S. Michael's Church; Corpus, S. Benet's. At New College the Chapel forms an integral part, indeed the most prominent feature, of the whole design—larger, richer, and more important than the adjoining hall, as the common hall towers above the humble chambers of the individual Fellows[2].

Prominence of ecclesiastical aspect.

The prominence and splendour of the Chapel in the new foundation is indicative of something more than the completeness of the Founder's architectural design: it represents an increased prominence of the religious—or perhaps we should say ecclesiastical—aspect of the College as an institution. Wykeham had shared the feeling predominant among the laity of his day against the monks, so far as to make his house purely secular. But this feeling arose rather from experience of the almost universal unfaithfulness of religious houses to their rule than from any want of sympathy with the monastic ideal itself. Wykeham, the leader of the political party opposed to Wycliffe and his patron, and one of the greatest of living pluralists, saw that he could better contribute to a revivification of the old Church-system by sending out into the world a continual succession of highly trained ecclesiastics than by filling some secluded

[1] 'Quum Magistrum non deceat . . . ire pedes nec etiam cum domus et Scholarium scandalo conducere *Hakenys*.' *Cam. Documents*, II. p. 14.

[2] The quadrangle was then a storey lower than at present.

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valley with the dwellings of contemplative recluses. All medieval charity was largely inspired by the desire of providing a perpetual succession of spiritual persons pledged to pray for the souls of their benefactor and those in whom he was interested. To pray for one's benefactors was the first duty of medieval piety[1]. But a body of secular Priests could sing masses and canonical hours just as effectively as monks[2] and could in general be provided at a much cheaper rate, while the actual members of the Society were set free for the active labours of the School, and hereafter of the world. 'S. Marie Colledge of Winchester' was in fact a seminary for ecclesiastical students combined with a College of secular Priests bound to the incessant routine of masses and canonical hours.

Prayers and Chapel.

But even the scholars were bound to attend mass daily and to make some return for their Founder's liberality by repeating the Angelical Salutation fifty times with a 'pater' after every five: while in the great hall daily after dinner and supper 'De Profundis'[3] was said with prayers for 'the repose of the soul of William of Wykeham.' These requirements are the more remarkable when contrasted with the conspicuous absence of provision for College worship in the earlier College-foundations except on Sundays and Saints' days. In the Statutes of the College of Harcourt, which were drawn up by the Founder's brother, the Bishop of Coutances, in 1311, we even find Artists expressly exempted on 'legible' days from attending the daily mass[4], and daily attendance at Chapel is clearly not contemplated by the earlier Oxford Statutes. Now, in the reaction against Wycliffism, the religious wants of the students receive more attention: though the religious

[1] So Chaucer's 'Clerk of Oxenforde':

'bisily gan for the soules praie
Of hem that yaf him wher-with to scoleye.'

Prologue, ll. 303–4.

[2] A disposition on the part of Church-benefactors to found Collegiate Chapters of secular Priests instead of Monasteries is a noticeable feature of late medieval times.

[3] The *hymn* Te de Profundis is or was a few years ago still sung in the College Hall of Winchester after dinner on certain days.

[4] Bulæus, IV. 155.

duties enjoined upon them seem to be imposed more for the good of the Founder's soul than their own: and there is as little provision for 'religious instruction' as in other pre-reformation Statutes. Still Wykeham may be allowed the credit of having been the first College-Founder who required his scholars to say their prayers morning and evening and to go to Chapel daily.

The New College privilege.

A word must be said as to the origin of one most singular privilege which Wykeham is supposed to have acquired for his Society—that of being admitted to their degrees without any 'grace' of Convocation after examination by their own Masters alone. This privilege is said to have been obtained by an agreement between the Founder and the University. But there is no evidence of the existence of any such agreement beyond the statement of Archbishop Bancroft in 1607 that the privilege had been enjoyed for more than 200 years[1]. The origin of this New College privilege being veiled in impenetrable obscurity, I venture to suggest the following hypothesis. Since no such document is to be found in the well-kept Muniment-room of Wykeham's College, it is almost inconceivable that it can have originated in any express grant of Pope, King, or University. The only peculiar regulation on the subject of degrees which we meet with in the Founder's Statutes is the prohibition (except in certain specified cases) of suing for graces or dispensations from the time or exercises required by the University Statutes[2]. Now it has been shown in another section[3] that originally no 'grace' was needed except where some of the statutable conditions were not performed, and it has been suggested that the grace gradually became necessary in all cases in consequence of the growing laxity in granting dispensations from these

[1] So Ayliffe, I. pp. 315, 316. *Fellows* of New College are still exempt from the 'supplication' for their degrees. But, as no one can now be a Fellow before taking or at least passing his Examinations for B.A., the distinction has become purely formal.

[2] *Statutes*, p. 49 *sq.* I have already put forward this view in my chapter on New College in the *Colleges of Oxford*, p. 162, from which I have also borrowed some other paragraphs.

[3] Above, pp. 447–449.

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conditions. To New College men alone was it forbidden to avail themselves of such dispensatory luxuries. In course of time it is probable that this abstention on the part of Wykehamists from the 'supplications,' which had come to be regarded as essential to all other candidates, was interpreted as a special privilege dating from a time whereof the memory of man ran not to the contrary. Moreover, Wykeham's Statutes did not merely forbid exemption from the University's tests of competence: they imposed an additional test from which other candidates were free. They required an actual Examination and that too at a time when the University can hardly be said to have imposed an Examination at all in the modern sense[1]. Hence, when the Laudian Statutes introduced a University Examination[2], it was supposed that Wykehamists, who demanded their degrees as of right instead of supplicating for them like other candidates, had the same mysterious claim to exemption from the new, that they had long enjoyed from the old, requirements of the University. Hence they continued to be examined by their own Examiners only. It is a singular illustration of the irony of History that Wykeham's anxious care for the discouragement of idleness in his Scholars should have grown into the means of increasing it in their successors. It is true that the Laudian Examination, even before it degenerated into a mere farce, would have been no formidable ordeal to a College recruited from Winchester. It was only from the institution of Honour Examinations at the beginning of the present century to the voluntary resignation of the so-called privilege in 1834 that this curious historical accident became the means of excluding the noblest of medieval foundations from all participation in that revival of industry which the new Examination Statute brought with it.

[1] 'Si judicio Custodis, Vice-Custodis, duorum Decanorum . . . ac sex aliorum seniorum . . . examinatus, habilis, sufficiens et idoneus repertus fuerit,' *l.c.* See above, pp. 442–444.

[2] *Laudian Code*, ed. Shadwell, p. 88.

LINCOLN (1429).

The account of Lincoln by the Rev. A. Clark in *Colleges of Oxford* (pp. 170–207) is a more than usually original and valuable piece of College history, to which the following paragraphs owe everything but what can be gathered from the printed Statutes. *Second Report of Historical MSS. Commission*, p. 130.

Foundation by Bishop Fleming.

Richard Fleming, the Founder of Lincoln College, was one of those Wycliffite leaders to whom the excesses of its extreme followers or the prospect of preferment or the natural conservatism of maturer years had revealed the error of their youthful ways. His timely tergiversation was rewarded by the Bishopric of Lincoln: and the College which he founded in 1429 was specially for the benefit of the diocese whose name it bears and for the defence of the Catholic Faith against the heresies from which the Founder had so successfully emancipated himself. An oath against heresy was exacted of all its Fellows and in other ways the ecclesiastical character of the foundation is prominent. The three parish churches—All Saints', S. Michael's, and S. Mildred's—then comprised within the narrow limits of Turl Street were impropriated to a College to be styled the College of All Saints of Lincoln, and were to be served by the Fellows themselves with the assistance of hired Chaplains[1]. The three Churches were in fact united into a sort of Collegiate Church under the government of the Rector and Fellows[2]. The whole of the original endowment of the College was supplied by these impropriations: and the Church of S. Mildred was eventually destroyed to make way for some of the buildings of Exeter College.

The Founder, dying little more than a year after the formal foundation, left his College in a very incomplete condition. It had a Rector, but no Fellows and no Statutes: and the buildings had only been begun. The erection of the Hall,

[1] See Rot. Pat. 6 Henry VI, p. 1. m. 8, the *Præfatio* of the Founder, and the *Proœmium* of the second Founder, Rotheram.

[2] A Rector Chori was annually to be appointed for both All Saints' and S. Michael's. The College attended All Saints' on Sundays.

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Completed by Forest

and Rotheram.

Kitchen, and Library (now the Sub-Rector's room) and the Chapel (now the Senior Library) by John Forest, Dean of Wells, has procured for him the position of Co-founder: and the College gradually grew under the hands of successive benefactors, as was often the case with Colleges scantily provided for by their original Founders. The title of 'second Founder' is claimed for Thomas Rotheram, Bishop of Lincoln, who completed the front quadrangle by building its southern side, and increased its endowments both by impropriations and by actual gift, making up the number of its Fellows to twelve. It was, moreover, by Rotheram's influence that the College was extricated from a legal embarrassment which at one time threatened its very existence. Henry VI's original Charter of incorporation had been superseded, upon the deposition of that monarch, by one from Edward IV in 1461–2. Even then the College had some difficulty in securing its endowments against rapacious adherents of the new dynasty, and about the year 1474 it was discovered by the covetous ingenuity of interested persons that the draughtsman of Edward's Charter had omitted after 'Rector and Fellows' the words 'and their successors.' It was now suggested that on the death of the then existing Rector and Fellows the property had lapsed to the Crown—an interesting indication of the growth of stricter views as to the creation of corporations with perpetual succession than had existed at a time when Societies like the University itself assumed to themselves the right of holding property without any Royal incorporation at all. This legal defect was in 1478 cured by the issue of a new Charter.

Rotheram's Statutes.

The College owes its first Code of Statutes ($14\frac{78}{80}$) to Rotheram. They exhibit no feature of special interest. All the Fellows were to be Masters (or at least Bachelors) of Arts on election, to take Priest's Orders, and (with the exception of one Canonist) to study Theology. Both Fleming and Rotheram were natives of York and Bishops of Lincoln, and the medieval Fellowships were divided between their county and their diocese.

ALL SOULS (1438).

MONTAGU BURROWS, *Worthies of All Souls*, Oxford, 1874: *Catalogue of the Archives of All Souls' College*, ed. MARTIN, London, 1877: DUCK, *Vita Henrici Chichele*, Oxoniæ, 1617.

Foundation.

The next two Oxford Colleges—All Souls and Magdalen—are emphatically daughters of New College. The Founder of All Souls began life as a Fellow of New College: the Founder of Magdalen had been Head Master of Winchester, and Wykeham's influence is obviously discernible in the whole plan of the two foundations, in the composition of their Statutes, and in the architecture of their buildings. In 'the College of the Souls of all the faithful departed,' founded in 1438, the ecclesiastical aspect is even more prominent than at New College. The College was designed to pray for the souls of Henry V, the Duke of Clarence, and the Englishmen who fell in the French War, which is believed to have been largely inspired by its Founder, the lawyer-diplomatist-statesman, Henry Chicheley, Archbishop of Canterbury. Chaplains are, indeed, provided to conduct the College services, and the Fellows are not bound to attend the daily mass; but the daily prayers exacted from each Fellow for the Founder and the souls for whose good he had built the College are longer and more elaborate than at New College. The endowments were largely supplied by the confiscated property of the alien priories bought by the Archbishop from Henry VI, who became the nominal Co-founder of the College. All Souls was the first College founded at Oxford by a great ecclesiastical lawyer: and the proportion of law-students to Theologians is naturally large. The College was to consist of twenty-four Artists or Theologians and sixteen Jurists: and the Statutes are carefully designed to maintain the balance between the two elements in the College. On a vacancy in the Wardenship, for instance, a Jurist and an Artist or Theologian are to be presented to the Archbishop of

CHAP. XII, § 6. Canterbury as Visitor, and he is to choose freely between the two. All the members of the foundation (except the Chaplains) were to be of three years' standing in the University on election, and were to become full Fellows after a year's probation. Alone among the Colleges of Oxford, All Souls still consists (but for four Bible-clerks) exclusively of Fellows without either scholars or non-foundation members[1]: and at all events serves the function of reminding us that in their origin Colleges were designed to be primarily bodies of students and not bodies of teachers[2].

MAGDALEN (1448).

BUDDEN, *Vita Gulielmi Patteni*, Oxoniæ, 1602: CHANDLER, *Life of William Waynflete*, London, 1811: BLOXAM, *Register of Magdalen College*, Oxford, 1853, &c.: MACRAY, *Notes from the Muniments of Magdalen College*, Oxford, 1882: *Fourth Report of Hist. MSS. Comm.* p. 468 *sq.* The *Register* unfinished by Bloxam is now being continued by Mr. Macray in a New Series, of which vol. I has appeared (London, 1894.)

The Foundation. The Founder of the last Oxford College which falls within our period was William Patten, known, after his ordination, from his native place as William of Waynflete. When the first steps were taken towards the foundation of a College, he had just been consecrated Bishop of Winchester[3]. The Royal Licence for the foundation of S. Magdalen

[1] Other than the probationers who are styled 'Scholares' in the Statutes. The existing four Bible-clerks of All Souls are not provided for by the original foundation. The Bible-clerk was originally a poor scholar who read the Bible during dinner, and in many cases also waited on the Head or Fellows. At All Souls the Statutes (p. 27) provide for 'unum clericum seu alium servientem honestum qui sibi in mensam (*sic*) in aula et camera sua aliisque locis debite ac diligenter deserviat,' who very possibly acted as 'Lector Bibliæ.'

[2] The peculiar history of this College has been partly due, it would seem, to the Founder's omission to fix a definite property-limit, though all except Founder's kin, or candidates from the College estates, were to be 'pauperiores et indigentiores.'

[3] It seems to me misleading to say (with Mr. Wilson in *The Colleges of Oxford*, pp. 234–5) that the foundation of 1448 was a Hall, and that in 1456 Waynflete 'conceived the idea of improving his foundation at Oxford, by converting it from a Hall into a College.' Every medieval College was frequently called an *Aula* and the foundation was as much a College in 1448 as in 1456. The later Magdalen Hall can claim no continuity with the foundation of 1448, except that it occupied the old premises when deserted by the College.

Hall for a President and fifty Fellows was granted in 1448[1]: and the new Society was promptly established in some Halls bought by the Founder on the South side of High Street, between University College and the present Botanic Garden. In 1456, however, Waynflete obtained from the King a grant of the ancient Hospital[2] of S. John the Baptist, situated upon the Cherwell bank, just outside the East Gate of the City; and the Royal Charter for a new College to be built upon the site thus acquired was granted in 1457. The actual deed of foundation is dated in 1458, when the Bishop was Lord High Chancellor of England. It is worthy of note that all the greater medieval Colleges at Oxford were founded by Bishops who were also Chancellors. No considerable portion of the large fortunes accumulated by English Chancellors has ever been spent upon any public object since Chancellors ceased to be Churchmen, and became married men.

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William of Waynflete may almost be said to have passed his life under the shadow of the great monuments of Wykeham's genius. There is, indeed, no evidence that he was on the foundation of New College before his appointment, but he owed his first preferment—the Mastership of the Hospital of S. Mary Magdalen at Winchester—to Wykeham's patronage[3]. As first Head Master and afterwards Provost of Eton (itself an imitation of Winchester), he lived under the Royal Castle at Windsor, which owed so much to Wykeham's architectural skill: he ended his days as Bishop of the Church whose nave the Architect-bishop had re-created. His foundation at Oxford shows how much he had imbibed alike of the architectural taste and of the educational zeal of his great predecessor. Both the institution and its lovely home reproduce, on a smaller and compacter scale, almost every feature of Wykeham's grander work. It is significant of coming changes that the College was partly founded out of the property of monastic Houses which the Bishop obtained leave to suppress—the

[1] Chandler, p. 323.

[2] As to its date, see Clark's note on Wood, *City*, II. p. 533.

[3] Chandler, pp. 19, 20.

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Priories of Sele in Sussex and Selborne in Hampshire[1]. Here Wolsey, whose career began with a Fellowship at Magdalen, may have meditated on the advantages of a larger extension of the same policy.

Attention to Grammar: Demies.

Waynflete—perhaps the first of the great Schoolmaster-Bishops who have played such a conspicuous part in the history of the English Church—was as wisely solicitous as the Founder of the oldest public-school for the proper grammatical preparation of his scholars. But his scheme was to provide for both Grammar and Arts within the same institution. The forty Fellows were to be at least B.A. on their admission to their probationary year, and were to proceed to degrees in Theology or (with special leave) in Law or Medicine. But a younger body of thirty Foundationers—called Demies (*demi-socii*) from their receiving half a Fellow's commons—were admissible at the early age of twelve, and were kept at School under the Grammar-master (*Informator*) of the College until considered by the President and Master fit to enter upon the University course in Arts[2]. The approaching Renaissance was heralded in England by a humble movement of purely indigenous growth in favour of an increased attention to Latin Grammar. The movement had already begun at New College[3], under the scholarly Warden

[1] *Report*, p. 459.

[2] There is a whiff of the Renaissance about the very words of the Statute (p. 16), 'circa grammaticalia et poemata, et alias artes *humanitatis* diligenter insistent et operam dabunt, quod non solum sibi ipsis proficere sed et alios instruere ac informare valeant.'

[3] The new Method seems to have been originated by the first Headmaster, John Anwykyll—a married man by the way—who taught it to his usher and successor John Stanbryge or Stanbridge, and to Robert Whittington, each of whom wrote numerous simplified Grammars; probably also to John Holte, author of *Lac Puerorum* (1497) dedicated to Card. Morton. (Chandler, pp. 253, 254: Bloxam, III. pp. 7–25). It was at Magdalen too that Colet learned the method which he embodied in his 'eight parts of speech' which he dedicated to the first High Master of his School at S. Paul's, the famous Lily, a pupil of Whittington, to whose *Syntaxis* Wolsey wrote a prefatory epistle (Bloxam, I. p. 2). It may be remarked that the Choristers lived in the Fellows' chambers and waited on them. They waited in Hall down to 1802. Bloxam, I. p. xiii.

Chandler, and the Magdalen College Schoolmasters, Stanbridge and Whittington (the first a New College man), authors of the first Latin Grammars which drove Donatus and Alexander de Villa Dei out of English School-rooms, did something to promote its progress: while the Headmastership of the same School formed the first preferment of a patron of Humanism no less illustrious than Cardinal Wolsey. Nor were the labours of these eminent teachers without results for their own immediate pupils. Magdalen —the College of Grocyn (who received his earliest education at New College) and of Colet, the temporary abode of Erasmus—was essentially the home of the Classical Renaissance in Oxford; a strange contrast to the Magdalen of Gibbon's Autobiography, or of the still later period in which its Fellowships had become the wealthiest in England. CHAP. XII, § 6.

Waynflete showed the wisdom of the practical Schoolmaster by giving his Demies only a preference, and not an actual claim, to vacant Fellowships: and it is perhaps due to his sympathy with Masters and Tutors that he abstains from inflicting upon them the Founder's-kin Fellow, who was admitted by most previous College-Founders and who enjoyed peculiarly preposterous privileges at New College and All Souls. No Founder's kin.

Magdalen closes the list of Oxford Colleges which fall within our period. Two innovations in its Statutes (1479) may be noticed as indications of the progress of changes destined ultimately to revolutionize the whole aspect and constitution of the University. We have already noticed the introduction of the Tutorial system by Wykeham at New College. Wykeham's Statute is reproduced almost *verbatim* by Waynflete: and it seems probable that before the middle of the fifteenth century the teaching of Undergraduates (as distinct from Bachelors) was mainly in the hands of Tutors[1] in the Colleges or Principals and their College Lecturers.

[1] The word used both at New College and Magdalen is *Informator*. At Brasenose College the word *Tutor* occurs for the first time, but only in reference to the Fellow who is to be responsible for a Commoner. The education of both Undergraduates and B.A.'s is there to be

CHAP. XII, § 6. assistant Regents or non-graduate Lectors in the Halls[1]; though a formal attendance at a certain number of Lectures in School Street was still required[2]. Now a further step was taken in the same direction. Waynflete founded three Lectureships in Theology, Moral and Metaphysical Philosophy, and Natural Philosophy respectively. It is probable that similar lectures were by this time not unknown in other Colleges: and it thus became possible for a student in Arts—and at Magdalen even a student in Theology—to obtain the whole of his education within the College walls. In the Statutes of the next Oxford College, Brasenose (founded in 1509), it is clearly assumed that this would be the case. Lectures continued to be given in the public Schools, but were more and more superseded by the Lectures of Halls and Colleges on the one hand and by Henry VIII's endowed Professorships on the other. The Statutes continued to impose upon Regents the obligation of lecturing, but it became usual to grant more and more sweeping dispensations from necessary Regency, and from the obligation of hearing such Lectures[3], till the latter requirement was abolished

conducted entirely in the College Hall under a *Lector*. It was only by a later change that the main teaching passed from the College Prælectors or Lectors to the single Tutor strictly so called.

[1] In a *Supplicat* of 1456 a scholar in Arts asked to count a term in which he was 'lector in aula.' (Aa. f. 99 *b*.)

[2] See the Statute of 1408 (*Mun. Acad.* p. 241 *sq.* above, p. 456), where it appears that a few books must still be heard *cursorie* from Bachelors in the Schools. Most of the books before determination are to be heard 'in collegio aut in aula lectionatim . . . cum recitatione (?i.e. repetitione) debite subsecuta.'—Notice that the 'repetitiones' are as at Paris characteristic of the College teaching: but even the more informal college lectures (*auditio lectionaria*) are too formal for beginners, and the scholar is forbidden to attend them for *his first two years*, during which he may be presumed to have been occupied with *Summula* and catechetical instruction from his private tutor. The Oxford *Statuta Aularia* (c. 1489) require attendance at the 'matutina lectio' and the 'meridiana recitatio' (as to this MS. see below, p. 625).

[3] In the middle of the fifteenth century the system of necessary Regency is still in full vigour, though most of the books before B.A. could now be heard in College, and those still required to be heard 'in scholis' were heard *cursorie* from a Bachelor. After the hiatus in our extant Registers (1463–1505) we find the system on its last legs. In 1449 we

by the Laudian Statutes, and the former was satisfied by dispensing all the Regents except a single 'Ordinarius' in each of the 'seven Arts and the three Philosophies.' These Lecturers were paid by the fees of the dispensed Masters and continued till the end of the last century to deliver their 'wall lectures' to empty benches[1].

Gentlemen Commoners.

The second noteworthy innovation in Waynflete's Statutes is the provision permitting the admission of *Filii Nobilium* as *commensales*. The admission of persons not on the foundation to board with the Fellows is contemplated in the Statutes of several of the smaller and poorer Colleges of earlier date—in the Statutes of William of Durham's four Masters, of Oriel, and of Lincoln. But these were primarily Colleges of Theologians, and their *Commensales* would be more likely to be brother-students of Theology than mere boys studying Arts. On the other hand Wykeham distinctly forbade the admission of strangers (*extranei*) to live in College, though a few Gentlemen-commoners, educated at Winchester, were eventually received[2]. Waynflete abandoned this restriction, but only in favour of twenty high-born youths, who were not merely to board but to be educated in the College. The language

do indeed find all the Regents of the year allowed to lecture out of School Street (Aa. f. 31 *b*). Had this precedent been followed, the 'ordinary lectures' might simply have been transferred to Colleges and Halls and the University have retained its hold (as at Paris) over College lectures. But a different course was followed. After 1505 the necessary Regency is either dispensed with altogether or reduced to a period of a few days, e. g. there is usually an annual dispensation allowing every Regent to deliver 'unum ordinarium dispensativum omnibus bacallariis audientibus pro eorum lecturis privatis,' or the like. The audience being thus dispensed from attendance, we are not surprised to find that in 1518 the Regents supplicating 'quatenus non teneantur legere ordinaria sua per maiorem partem hore. Causa est quod nulli audiunt eos legentes' (Reg. H 7. f. 6 *b*.) But more than once before this we find all the Masters present dispensing themselves from necessary Regency altogether, e. g. in 1511 (*ib*. f. 141), or after All Saints' Day (*ib*. f. 299).

[1] But when a Professor was endowed for any Art or Philosophy, he became the *Ordinarius*. There were still four unendowed *Ordinarii* in the time of Gutch. *Collectanea Curiosa*, Oxford, 1781, II. p. 39 *sq*. They had acquired the name of Wall Lectures even in Anthony Wood's time.

[2] At first, it would appear, without living within the walls.

CHAP. XII, § 7. of the Statute clearly implies that the Commoner-system had by this time at least gained ground in the University. It is evident that its progress would be likely to keep pace with the growth of College-teaching. At Paris we have seen that both changes had been in progress since the middle of the fourteenth century. As to the time at which the two changes were introduced into Oxford we know little but that the Queen's Statutes are the first which contemplate Arts-teaching within the College walls, that the system was extended by Wykeham, and that Waynflete is the first who expressly authorizes the admission as *Commensales* of boys or young men *in statu pupillari*. The accounts at Queen's, however, make it probable that a few boys were received as commoners at that College as early as 1363[1]. On the whole it is probable that these changes gained ground more slowly and gradually than at Paris; but by the beginning of the sixteenth century the only real teaching in Arts was given within the Colleges and Halls, while by the time of Edward VI the Halls were reduced to a very small number, so that a large proportion of Students in Arts must by that time have been housed within College walls as non-foundation members. It is well known that the Reformation in its earliest phase produced a great diminution in the numbers of the University: and when, under Elizabeth, the numbers began to expand again, no new Halls were created, and the whole increase had to be accommodated in the Colleges and the few remaining Halls.

§ 7. THE PLACE OF OXFORD IN MEDIEVAL THOUGHT.

Oxford influential as a School, not as a Corporation.

In the political and ecclesiastical history of England the University of Oxford, as a corporation, played but a small part. Though its scholastic fame throughout Europe stood second only to that of Paris, and at one

[1] Among others, one John Wyclif, who has been mistakenly identified with the Reformer (*Second Report of Hist. MSS. Comm.* p. 141), e.g. by Shirley, *Fasc. Zizan.* p. xiii.

time hardly second, it had comparatively little international character: it was recruited mainly, though by no means exclusively, from the British Isles[1]. In purely insular politics there were times of disturbance when the students of Oxford could take a side: but the University as a corporation was rarely consulted and rarely ventured unasked to express an opinion, though it was at times invited to send representatives to Convocation and even to Parliament[2]. The political power of the University of Paris was due partly to its situation in the capital, partly to the weakness of the French Kings in face of factious princes and powerful feudatories. Fortunately for England, the English kings were rarely weak. More than once the University was rudely dealt with when it attempted to play an independent part in ecclesiastical politics; even on points of Theology or Canon Law its corporate decisions exercised little influence. It was not as a great semi-ecclesiastical corporation, but as a centre of speculative thought and of religious life, that Oxford contributed to the making of English history. It was through

[1] We do of course hear of foreigners here, especially in the early part of our period. (See § 1 of this chapter, *passim*.) Later on, such intercourse was liable to be interrupted by war. By the treaty of Bretigny in 1360 it was provided that the subjects of each King should be free to study and enjoy the privileges of each other's Universities, 'comme ils povoient faire avant ces presentes guerres et comme ils font au présent' (Rymer, *Fœdera*, T. vii (1708), p. 226). After the renewal of the French war (43 Edward III) we hear of a French scholar being attacked for disobeying the King's proclamation (Twyne, XXIII. 188). At Pembroke College, Cambridge, there was a preference for Frenchmen.

[2] It has usually been assumed that the University returned no Members to Parliament before the time of James I, but Ayliffe (II. App. p. lxxxviii) prints a writ of 28 Ed. I requiring the Chancellor to send 'quatuor vel quinque de discretioribus et in jure scripto magis expertes Universitatis predictæ' to Parliament, though the practice appears not to have been kept up. It is just possible that Wycliffe's appearance in Parliament was in this capacity. See Lechler, *John Wyclif and his English Precursors*, Eng. Trans. by Lorimer, London, 1878, I. p. 211 *sq.* As to Convocation, in 1408 'in concilio cleri celebrato Londoniis, assistentibus Doctoribus Universitatum Oxoniæ et Cantabrigiæ, tractatum est de censu et obedientia Papæ subtrahendis vel non subtrahendis' (Walsingham, *Ypodigma Neustriæ*, ed. Riley (1876), p 424–5).

CHAP. XII, § 7. her influence upon the religious life of England that the University of Oxford did, as we shall see, at one supreme moment open a new page in the history of England and of the civilized world.

The internal development of the Scholastic Philosophy lies beyond the limits of the present work. It is, however, impossible to understand even the bare external history, whether of the Universities or of the Middle Ages generally, without knowing at least the nature of the questions debated in the Schools and the relations of the parties which arose out of these debates to the ecclesiastical and political movements of the time. I must, therefore, attempt briefly to point out the distinctive part which Oxford played in the history of medieval thought, confining myself almost wholly to what may be called the external history of its philosophical life, without attempting to enter into the inner growth and movement of that great scholastic system which found its first home in Paris and its second in Oxford.

The earliest Oxford teachers.

Enough has been said of the relation between Oxford and the mother University of Paris to make it unnecessary to enter at length into the general character of Oxford studies. The University was originally in all probability a cluster of Parisian Schools transferred to English soil: and, throughout the first century at least of its existence, the relations between the two Studia were of the closest and most intimate character. Whatever was read and taught in Paris was sure sooner or later to be read and taught in Oxford. It by no means, however, follows that the converse proposition would be equally true. And, scanty as is our knowledge of the earliest generation of Oxford teachers, enough remains to make it clear that the intellectual life of thirteenth-century Oxford was something more than a pale reflex of the intellectual life of Paris. Of the three most famous Oxford teachers of the thirteenth century two at least were much more than mere Scholastics.

Edmund Rich.

The first of the three, Edmund Rich, afterwards Archbishop of Canterbury, need only be mentioned here as the first

Master who is actually recorded to have taught the new Logic in the Oxford Schools and the first who is known to have taken the degree of Doctor of Divinity at Oxford[1]. But he was remembered in Oxford rather on account of the ascetic saintliness of his personal character than of any permanent contribution to the progress of thought. The other two, Robert Grossetête[2], and Roger Bacon, the latter almost equal in genius and certainly superior in originality to Albert and Thomas, are commonly numbered —it must be admitted with only partial truth—rather among the critics of Scholasticism than among its creators. Both of them were Schoolmen, but both of them were something more. Grossetête pioneers thirteenth-century Aristotelianism by his exertions in promoting better translations of the Aristotelian treatises than those hitherto in use. The first translation of the Ethics direct from the Greek was made under his directions, though he can hardly be considered the actual translator[3]: and it is tempting to trace back the peculiar and undying affection of Oxford for the Nicomachean Ethics to the influence of her first recorded Chancellor. But Grossetête's interests lay rather in the direction of Physical Science on the one hand, and of Theology on the other, than in the direction of Logic and Metaphysics[4]. His writings show a range and versatility

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Robert Grossetête.

[1] He is often said to have been the first to teach the *Ethics* in Oxford, but the true reading of the passage in Roger Bacon is not 'Ethicorum' but 'Elenchorum.' I have printed the passage in Appendix XX. Charles (*Roger Bacon*, p. 315) assumes that the *Soph. Elenchi* were not taught even at Paris till this date, but that is surely impossible. See above, vol. I. p. 434. As to his Doctorate, see the Letter of the University in *Collectanea*, II. pp. 188, 189. Some new documents are printed in Wallace, *St. Edmund of Canterbury*, London, 1893.

[2] There is no evidence that he studied at Paris, though this is asserted by Bulæus and others.

[3] Roger Bacon says expressly: 'Græcum et Hebræum non scivit sufficienter ut per se transferret, sed habuit multos adjutores' (*Op. Ined.* ed. Brewer, p. 472). Matthew Paris gives the name of his assistant, 'coadjuvante magistro Nicholao Græco, clerico abbatis Sancti Albani' (*Chron. Maj.*, ed. Luard, IV. p. 233).

[4] 'Unde dominus Robertus, quondam episcopus Lincolniensis sanctæ memoriæ, neglexit omnino libros Aristotelis et vias eorum, et per experientiam propriam, et auctores alios, et per alias scientias negotiatus est in sapientialibus Aristotelis et melius centies millies scivit et

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rare indeed among medieval Doctors: he was a French poet, an agriculturist, a lawyer, a physician [1], and a preacher; if he can scarcely be called a Greek or Hebrew scholar, he was at least interested in the study of these languages. Although himself a Scholastic Philosopher largely instrumental in introducing the new Aristotle to the Oxford Schools, he was a decided opponent of the rising Scholasticism in Theology. As Bishop of Lincoln, he endeavoured to encourage biblical study [2], and to keep the line of demarcation between Theology and Philosophy where it had been placed by the old Latin Fathers and the earlier medieval Doctors. The name of Lincolniensis stands high in the theological literature of the Middle Ages, but he is appealed to on the one hand as a Physicist, and on the other as an independent Theologian, as a great ecclesiastical statesman, as a champion of the rights of the English Church against both Pope and King [3] rather than as a Logician or a metaphysical thinker.

Roger Bacon.

Much further apart from the main current of Scholastic thought stands the great Oxford Franciscan, Roger Bacon, the most astonishing phenomenon of the medieval schools [4]. His contributions to the discussion of the metaphysical questions which absorbed his contemporaries, though they eventually exercised considerable influence, made little noise. Entirely free from the ignorant contempt for speculative Philosophy too common among experimental enquirers, he realized none the less the fatal

scripsit illa de quibus libri Aristotelis loquuntur, quam in ipsius perversis translationibus capi possunt' (Roger Bacon, *l. c.* p. 469).

[1] Giraldus Cambrensis, ed. Brewer, London, 1861, I. p. 249. Pegge appends a Catalogue of the Bishop's works to his *Life of Robert Grosseteste*, London, 1793.

[2] *Epistolæ*, ed. Luard, p. 346.

[3] It should be observed, however, that the defiant letter to the Pope, preserved by Matthew Paris, to which he owes much of his fame as an Anglican ecclesiastic, is of very doubtful authenticity. See Jourdain's Essay in *Excursions historiques*, p. 150 *sq.*

[4] The most important book on Roger Bacon is Charles, *Roger Bacon, sa vie, ses ouvrages, ses doctrines*, Paris, 1861; a work of great value, which is still a *desideratum* in the Library of Roger Bacon's University. I may also refer to Professor Adamson's address on Roger Bacon, *The Philosophy of Science in the Middle Ages*, Manchester, 1876.

misdirection of energy which was involved in the concentration of nearly all education and nearly all enquiry upon two or three metaphysical questions, for the proper solution of which the indispensable ground-work had not been laid. Almost all the vices of Scholasticism are pointed out as fully by Roger Bacon as by the great namesake who has on somewhat slender grounds been styled Father of the Inductive Philosophy. The neglect of observation and experiment, the abuse of syllogistic reasoning, the blind deference to authority in Science and Philosophy as well as in Religion—on all these points Roger Bacon, writing in the thirteenth century, is as vigorous a censor of the Scholastic methods as Francis Bacon in the seventeenth[1]. He is no doubt far from having escaped from the meshes of Scholasticism himself. His most penetrating suggestions are often enveloped in a half-mystic haze, from which the writings of the brilliant seventeenth-century man of letters are free: but Francis Bacon's comparative immunity from scientific superstition is due rather to the actual advances in scientific discovery made by the contemporaries to whose achievements he accorded so grudging a recognition than to his own superior originality. Roger Bacon's actual discoveries or anticipations of discovery in positive Science, though they have often been absurdly exaggerated, are at least as important as those of the philosophic Chancellor[2]; and he was free from some of Francis Bacon's most serious limitations. He had a far juster conception of the value of Mathematics, both in education and in scientific enquiry, than was possible to the unmathematical Francis: and he was free from that petulant

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[1] For minor coincidences, cf. with Francis Bacon's 'idola,' Roger's enumeration of the four 'comprehendendæ veritatis offendicula,' viz. 'fragilis et indignæ auctoritatis exemplum, consuetudinis diuturnitas, vulgi sensus imperiti et propriæ ignorantiæ occultatio cum ostentatione sapientiæ apparentis' (*Opus Majus*, ed. Jebb, Lond. 1733, p. 2), and the 'tres magnas prærogativas respectu aliarum scientiarum' (*ib.* p. 448) of experimental Science. But the agreement in general aim is much more remarkable.

[2] Francis Bacon's discovery of the 'form of heat' may be paralleled by Roger Bacon's attainments in optics.

CHAP. XII, § 7. contempt for ancient learning which has endeared the name of Francis Bacon to the Philistines of every succeeding age. While he condemned the excessive authority attributed to the *ipse dixit* of Aristotle, he fully appreciated the value of Aristotle and other ancient thinkers; like all the *esprits forts* of the Middle Ages he was himself somewhat in bondage to the Arabians[1]. But unlike other medieval thinkers, orthodox or unorthodox, he saw that the study of Greek was the true key to the meaning of Aristotle, and a knowledge of the Bible in the original the true foundation for a fruitful study of Theology. All the characteristic ideas of the sixteenth century are held in solution, as it were, in the writings of Roger Bacon, mixed up no doubt with much that is redolent of the age in which he lived: but, of all the anticipations of modern ways of thinking with which his works abound, the most remarkable is his plan of educational reform. He was convinced that the proper basis of a learned education was the study on the one hand of the ancient languages, on the other of Mathematics: these were the proper foundation for the superstructure of Philosophy and Theology, of Medicine and Science[2]. Theology and Philosophy must be studied philologically and historically[3]: Science must be studied mathematically and experimentally.

Bacon's educational theory.

Bacon as Schoolman.

So isolated a thinker as Roger Bacon may be supposed to throw little light upon the general tone of the University with which he was—as it were accidentally—connected. But it is a mistake to imagine that Bacon has no place in the history of the Scholastic Philosophy.

[1] He was a disciple of Avicenna rather than of Averroes, whose 'Unity of Intellect' he rejected. Yet the influence of Averroes in Oxford may be due in part to a tradition dating from Roger Bacon.

[2] 'Harum scientiarum porta et clavis est mathematica' (*Op. Majus*, ed. Jebb, p. 57).

[3] 'Impossibile est quod textus Dei sciatur propter abusum libri Sententiarum' (*Op. Minus* in *Op. Ined.*, ed. Brewer, 1859, p. 329). He adds that 'Liber Historiarum [i.e. the *Historia Scholastica* of Petrus Comestor] solebat legi et adhuc legitur rarissime.' The 'Liber Historiarum' is recognized as a possible alternative to the Sentences in a Statute of 125½ (*Mun. Acad* p. 25)—a remarkable peculiarity of Oxford, which, however, soon disappears.

In fact the result of the most recent study of Bacon is distinctly to lower the popular estimate of his achievements in Science, which is largely based on accidental expressions of exuberant rhetoric, and to attribute to him a Scholastic importance hitherto insufficiently acknowledged. All the germinal ideas of that antagonism to the Dominican teaching in which Oxford Philosophy had its origin may be traced in the writings of the 'admirable Doctor.' The successful persecution which prevented any appreciable part of his writings being printed till the eighteenth century is responsible for the non-recognition of his importance even from the purely Scholastic point of view. In his criticism of the Thomist 'Unity of Form' he is the predecessor of Scotus: in his doctrine of Universals[1], of immediate perception without 'real intelligible species,' and of the 'principle of individuation' he anticipates nearly all the fundamental ideas of Ockham. The realistic side of his doctrine was, indeed, common to most Oxford teachers of his time: but he must have contributed something at least to the development of this Oxford criticism, if it cannot all be traced back to him. His nominalistic side was not developed till later, but it can hardly be doubted that Ockham or Ockham's predecessors got their first inspiration from the writings of the great anti-scholastic Schoolman[2].

Bacon not alone at Oxford.

Even on his mathematical and experimental side Roger Bacon was not without predecessors or like-minded contemporaries. He is full of praise for the first generation of Oxford teachers, especially for Grossetête and Adam de Marisco[3], of whose school he must be considered the

[1] 'Universale non est nisi convenientia plurium individuorum' (ap. Charles, p. 383). At the same time he avoided Ockham's mistake of inferring that *therefore* only the particular is real. Indeed the *dictum* was susceptible of a Scotist as well as of an Ockhamist development.

[2] By way of authority for the above, I must be content to refer to M. Charles' admirable account of Roger Bacon's position as a Schoolman (pp. 164–294).

[3] In *Op. Tert.* (*Op. ined.* p. 75) he styles them 'majores clerici de mundo.' Again, 'Nullus scivit linguas nisi Boëtius de translatoribus famosis, nullus scientias nisi dominus Robertus episcopus Lincolniensis' (*ib.* p. 91).

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brilliant product. But, amidst all his laments at the aberrations of his own generation, we find that it was at Oxford that the best Mathematics of the day were taught [1]. The two chief Mathematicians of the thirteenth century (judged by the vogue of their writings) were Oxford men [2]. All through the Middle Ages the greatest Mathematicians were either Englishmen or Italians[3], though in the later Middle Age English Mathematics did not come up to the promise of the thirteenth century.

Contrast between Oxford and Paris.

It is not difficult to understand some of the causes of this contrast between thirteenth-century Oxford and thirteenth-century Paris. Oxford had known no such wild outburst of heresy as the Almarician movement at Paris: consequently there was less reaction, less ecclesiastical repression, less exclusive absorption in theological controversy. Another circumstance which made in the same direction was the fact that the leading teachers of the thirteenth-century Oxford were either Seculars or members of what ultimately proved the less conservative of the two great Mendicant Orders. It is true that the Franciscans had at first chosen what was on the whole the less enlightened side in the great Scholastic debate. While the Dominican Masters were for the most part inflexible adherents of the moderate and philosophically enlightened Aquinas, the Franciscans were divided in their allegiance between the

[1] 'Haec autem scientia [i. e. Perspectiva] non est adhuc lecta Parisius, nec apud Latinos, nisi bis Oxoniæ in Anglia' (*Op. cit.* p. 37). So in *Op. Min.* (*ib.* p. 361) he praises the 'Anglici Naturales' as opposed to the Parisians. Again, 'Non sunt enim nisi duo perfecti [mathematici], scilicet magister Jo. London. et magister Petrus de Maharncuria Picardus. Alii duo boni sunt, scilicet magister Campanus de Novaria, et magister Nicholaus, doctor domini Almarici de Monte Forti' (*Op. Tert.* pp. 34-5). Of these the first was certainly, the second presumably an Oxonian. Cf. *ib.* pp. 43, 46.

[2] Johannes de Sacro Bosco (Holywood), author of the 'Tractatus de Sphæra,' to whom Europe was indebted for the theory of a 'crystalline heaven': and Johannes Pisanus (i.e. Peckham, the Franciscan Archbishop of Canterbury), whose work on Optics perhaps owes something to Roger Bacon. See *Reg. Fr. Johannis Peckham*, ed. Martin, III. p. lviii *sq.*

[3] It is worth mentioning that a fifteenth-century eulogy of the University (Lambeth MS. 221. f. 308 *b.*) claims Campanus de Novara (vol I. p. 250) as an Oxonian.

thoroughgoing Realist Alexander of Hales and the mystic Bonaventura. But neither of these Masters ever acquired the authority which was wielded over the Dominican mind by the Angelical Doctor. In the Franciscan Order there was possibly for a time less intellectual emancipation and good sense, but there was more freedom, more originality. And at Oxford, as in England generally, all through the Middle Ages, the speculative, enthusiastic, often democratic Franciscans were more influential than the sternly orthodox, authority-loving, persecuting Dominicans.

Conservative resistance to Aristotle.

Unlike in many respects as these two earliest Franciscan Doctors may appear, they agree in this—that they resisted the Aristotelianism which Albert and S. Thomas had introduced into the Dominican Theology, and adhered to the old Augustinian traditions which in Philosophy (though not in Theology) had been abandoned by the Dominican Doctor[1]. The Aristotelian innovations of S. Thomas at first met with much opposition even at Paris from Franciscans and Seculars: and the Thomist doctrine which placed the principle of individuation in matter was condemned in 1277 by Stephen Tempier, Bishop of Paris, amid a host of Averroistic theses[2]. But in Oxford the conservative Augustinian tendency was at first championed even by Dominicans. Sixteen days after the Parisian condemnation, the Dominican Archbishop Robert Kilwardby, at a Council held at Oxford, condemned in a much more explicit manner the cardinal Thomist doctrine of the 'Unity of Form' in man[3], and a number of other tenets

[1] The view here taken of the origin of Franciscan tendencies in Philosophy, which throws a flood of light upon the position of Oxford in Scholastic history, I owe to Father Ehrle, *Beitrdge zur Gesch. der mittelalterlichen Scholastik* in *Archiv f. Kirchengesch. des Mittelalt*, V. p. 603 *sq.*

[2] *Chartul. Univ. Paris.* I. pp. 554, 556 *note.* The doctrine is attacked by Roger Bacon (ap. Charles, pp. 580, 581).

[3] 'Quod vegetiva, sensitiva, et intellectiva sint una forma simplex' (*Chart. Univ. Paris.* T. I. P. i. No. 474). The Thomist doctrine was that the 'anima rationalis' was the only 'forma' of man, which in him performed the functions which the vegetable or sensitive souls or forms performed in the lower animals. The entire absence of Averroistic theses in the list of errors is remarkable. Cf. Peckham's Letter to the University (*Registrum*, ed. Martin,

CHAP. XII, § 7. which had evidently been maintained by younger men in the Dominican School. While the condemnation at Paris was apparently the work of the Bishop only, and was certainly in opposition to the dominant tendency of the University, the English Archbishop expressly tells us that he had the consent of the Masters. The condemnation was renewed at the Visitation of the Franciscan Archbishop Peckham in 1284[1]. Four years later the same Primate, sitting at S. Mary Arches Church in London, condemned another batch of Dominican opinions, among which significantly appears the position 'that in such matters one is not bound to adhere to the authority of the Pope, or of Gregory or of Augustine or of any other Master whatever; but solely to the authority of the Bible and of necessary reason[2].'

The Franciscan Philosophy

In this conservative Augustinianism, with the consequent antagonism to the Thomist views as to the principle of individuation and the Unity of form, lay the germ of all the later developments of Franciscan Philosophy. Of this philosophical conservatism the centre was Oxford: yet in the long run the Franciscan spirit proved more fruitful in new ideas, both philosophical and theological, than the Thomism, with its new-fangled but immovable Aristotelianism in Philosophy and its conservative orthodoxy in Theology, which reigned at Paris. It is not till the beginning of the fourteenth century that Oxford attained to European fame as a centre of Scholasticism. By this time the tendency towards an independent study of Nature and towards fresh and unscholastic modes of thought, of which there are slight traces in thirteenth-century Oxford, had nearly worn itself out; and Oxford plunged more fiercely even than Paris into the great Scholastic strife. From this time forward the intellectual activity of Oxford far surpasses that of Paris[3]. At Paris itself it is the English Nation that takes the lead. Both the two great Scholastic in-

III. pp. 840, 852, 864), which shows clearly that the opinions condemned were Dominican.

[1] *Ann. Monast.* (Oseney), IV. 298 *sq.*

[2] Peckham, *Regist.* III. p. 923.

[3] See above, vol. I. p. 537 *sq.*

novations of the fourteenth century—the revival of Realism in a totally new form by Duns Scotus[1] and the Nominalistic reaction headed by Ockham—had their origin probably in Oxford, certainly in English minds. The most important fourteenth-century Schoolmen were Oxonians: nearly all the later Schoolmen of any importance were Englishmen, or Germans educated in the traditions of the English Nation at Paris.

Characteristics of fourteenth-century Scholastics.

From one point of view the Scholasticism of the fourteenth century exhibits a decline: the old battle between Nominalism and Realism was renewed, and with even more unphilosophic vehemence than before. It was at this time that Philosophy literally descended from the Schools into the Street, and that the *odium metaphysicum* gave fresh zest to the unending faction fight between North and South at Oxford, between Czech and German at Prague. And yet from another point of view this very descent into the streets exhibits an advance. The range of subjects debated in the Schools of the fourteenth century is wider than that which bounded the horizon of the thirteenth. Scholasticism begins to come into contact with practical life. Out of the somewhat muddy Metaphysics of the fourteenth-century Schools there emerge present-day questions as to the foundations of property, the respective rights of King and Pope, of King and subject, of Priest and people: at Oxford was struck the spark that kindled the torch which was soon to set Europe in a blaze and which was not extinguished at Constance.

Predecessors of Duns Scotus.

The way for Scotus had been prepared at Paris (perhaps at Oxford also) by Henry of Ghent[2], a Schoolman at once cautious and original, who gave a more Platonic turn to the Thomist doctrine of Universals and maintained against Aquinas that matter might actually exist without form:

[1] Scotism may be conveniently treated as characteristic of the fourteenth century, though Scotus began to teach towards the end of the thirteenth.

[2] Born 1223, died 1293. The received accounts of his life are unhistorical. See Ehrle in *Archiv*, I. p. 367 *sq.* The MS. mentioned on p. 526 n. 3 claims him as an Oxonian.

CHAP. XII, § 7. while at Oxford the Thomist doctrine of the unity of form was attacked by Roger Bacon, Robert Kilwardby [1], Peckham [2], and others. The polemic was continued by William de la Mare (probably an Englishman, possibly an Oxonian, certainly a Franciscan [3]), who maintained in all its fulness the essential doctrine of Scotism, that of the plurality of forms in the same individual. According to Thomas there is but one form in man which constitutes his humanity, viz. the rational soul. With William de la Mare and Duns Scotus, Corporeity, Animality, Rationality, and the like became distinct and essential 'forms' co-existing in the individual Socrates. Thus with William de la Mare orginated what has seemed to its opponents the fundamental Scotist heresy of 'multiplying entities without necessity [4].' All these writers probably owed something to Roger Bacon [5]. At all events all with one consent fell upon the Dominican doctrine which places the *principium individuationis* in matter—a doctrine involving for the orthodox thinker Angelological difficulties which were

[1] The importance of Kilwardby in the development of the Oxford School was for the first time revealed by his letter defending the Oxford condemnation published by Father Ehrle (*Archiv*, V. p. 603), who shows its points of contact with the Augustinian tradition. Kilwardby (i) defends the substantial *reality* of the Augustinian 'rationes seminales sive originales rerum,' and (ii) contends for a doctrine evolved by him out of Augustine as to the distinctions of the vegetative, sensible and intellectual 'souls' in man—a doctrine which passed to Olivi, the Apostle of the Spiritual Franciscans, and blossomed into a much more extensive 'plurality of forms' in Gul. de Mara and Scotus. The letter is full of germinal Scotism; so too are the positions implied by the Oxford condemnations of Kilwardby and Peckham.

[2] *Regist.* III. p. 871.

[3] Little, p. 215.

[4] Gulielmus de Mara published his *Summa contra Thomam* in 1284 (Hauréau, III. p. 99 *sq.*; Prantl, III. p. 189; Hist. Litt. XXI. p. 299). Duns Scotus may thus have heard him. His actual Master is said to have been William of Ware, the *Doctor fundatus* (cf., however, Rodulphius Tossinianensis, *Hist. Seraphicæ Religionis*, Venetiis, 1586, f. 319 *b*), whose commentary on the Sentences is preserved in the Merton Library (Nos. 103, 104).

[5] The indebtedness of all these writers to Bacon is carefully pointed out by Charles (p. 240 *sq.*). He perhaps does not allow sufficiently for the possibility of the ideas being the common property of the Franciscan Convent at Oxford, or of still wider circles.

more acutely felt than its more serious theological consequences[1].

Realism of Duns Scotus.

At the first blush of it, the Realism of all previous Schoolmen, at least since the twelfth century, may seem cautious, timid, reasonable, in comparison with the Realism of the School whose teaching culminated in the system of Duns Scotus, said on insufficient evidence to have been originally a Fellow of Merton, in any case a Master of the anti-Thomist University of Oxford[2], then a teacher of the anti-Thomist Order of S. Francis at Paris and Cologne. To the modern mind the system of Scotus is apt to appear a wild, luxuriant, rampant outgrowth of hypostatized abstractions. Thus matter without form is conceived of as possibly, if not certainly, created in time before any form[3]. A whole chain of 'acts' is interposed between

[1] An angel being assumed to be 'form without matter,' Thomas Aquinas was obliged to admit that there was no individual difference between angels: each angel was a different species.

[2] In 1300 a Franciscan named 'Johannes Douns' was refused licence to hear confessions by Bishop Dalderby (Linc. Reg. f.13; Wood, *City*, II. 386): when, as Mr. Little remarks (p. 220), he must, by the rules of the Order, have been at least thirty. The earliest—and indeed the only early—authority for the early life of Scotus is an entry in a Merton MS. (No. 59) written in 1455: 'Explicit lectura doctoris subtilis . . . sc. doctoris Iohannis Duns nati in quadam villicula parochie de Emyldon vocata Dunstan, in comitatu Northumbrie pertinentis domui scolarium de Mertonhalle in Oxonia et quondam socii dicte domus' (also in some other Merton MSS). It is very probable (as the Bp. of Peterborough has suggested to me) that this represents only the conjecture of some scholar from Embleton (a Merton living), who was familiar with the Castle of Dunstanburgh and the hamlet of Dunstan in that parish, where is an old manor house with a 'peil tower' which local tradition makes his birthplace. There is no foundation for the tradition that he died at forty-four or even at thirty-three! It is certain that he went to Paris in 1304 and died at Cologne in 1308. (It is curious to find a Mertonian writer making Scotus a Franciscan and a Fellow of Merton at the same time, in the teeth of the College Statutes!) In my estimate of Scotus I am much indebted to Erdmann, and still more to Pluzanski's penetrating *Essai sur la Philosophie de Duns Scot* (Paris, 1887). Hauréau's account is singularly unappreciative. Particularly so is the attribution of a Spinozist tendency to a Philosophy which insisted to extravagance on the arbitrariness of the Divine Will, which creates even the possibilities that are never actualized.

[3] It is curious to see on this point something like a recrudescence of Scotism in Dr. Martineau's *Seat of Authority in Religion* (London, 1890), p. 33, though he, like some of the

CHAP. XII, § 7. the *materia primarie prima* which *is* but does not exist and the final union of form and matter in the concrete thing or *compositum*. At first sight Scotus would appear to assert the possibility of a really existing universal prior to the particular: while the particular cannot be allowed to get its very particularity without an individuating form called by later Scotists its *hæcceitas* or 'thisness.' To the critic prepared to find in the Schoolmen nothing but a mass of absurdity it will appear that every distinction that the imagination can conceive becomes to Scotus a real, independent, separable existence: to him the Scotist Universe will appear peopled with these airy creations of the metaphysical imagination. Closer study may perhaps suggest that there is in Scotus no reactionary harking back to the crude Realism of William of Champeaux. Scotus knows nothing of real Universals apart from the particular in the ordinary sense of the word *real*. The truth is that Scotus has divined the great secret of modern Idealism, the reality of mental relations and the part which those relations play in the constitution of the world which we know [1]. That in the works of Scotus and his followers, as in all the Schoolmen, there are absurdities and exaggerations of subtlety, it would be vain to deny. The same might be said of some of the greatest philosophers whether in ancient or modern times: but in his most fine-drawn distinctions there is always a meaning and sometimes a flash of metaphysical penetration deeper than is to be found in all the Peripatetic common-sense of Aquinas.

Humanistic hatred of Scotus.

By the student of Philosophy Scotus is not to be despised. Nevertheless the impression which a superficial glance at his twelve goodly folios is apt to give the modern reader is probably the effect which a century of Scotism

less orthodox Schoolmen, makes this 'solidified extension' eternal.

[1] 'Intellectus facit universalitatem in rebus [a quotation from Averroes]; *ergo* illa est in re, non intellectu' (*Opera*, Lugduni 1639, I. p. 93). The proof is still more idealistic: 'Forma non est extra materiam, nec e conuerso; igitur nec intelligibile extra intellectum; ergo nec modus intelligibilis extra intellectum; igitur nec Uniuersale.'

produced upon the world. It is against Scotus and his still more spider-like successors that the popular diatribes of sixteenth-century Humanists and Reformers were mainly directed: it was upon Scotus that the wrath of the New Learning fell most hotly, when for instance Thomas Cromwell's Visitors left the Quadrangle of New College strewn with leaves of 'Dunce[1].' And certainly it is to the later phases of Scholastic controversy ushered in by the 'Subtle Doctor' that the popular strictures on the Scholastic philosophy are most obviously applicable. The abuse of distinction and of syllogism, the habit of spinning cobwebs out of the Philosopher's own inside, the multiplication of barbarous technicalities and unintelligible jargon—these are in popular estimation the characteristics of the Scholastic Philosophy[2]. If these strictures will not be applied by the discriminating critic without reservation to the works of Scotus himself, there can be no doubt that they are applicable enough to the writings of Schoolmen without the genius of Duns in what must after all be called the decline of Scholasticism. The system of Scotus may be compared to the Flamboyant Cathedral of the best period, supremely beautiful after its kind, but exhibiting, in its wondrous intricacy of detail and rank luxuriance of ornament, the gorgeousness of incipient decay.

The Scotist Theology.

Turning to the position of Scotus as a Moralist and a Theologian, our judgment of him must be a still more

[1] Layton thus describes their proceedings to Cromwell: 'Wee have set Dunce in Bocardo and have utterly banished him Oxford for ever, with all his blynd glosses, and is now made a common servant to every man, fast nayled up upon posts in all common howses of easement, id quod oculis meis vidi. And the second time wee came to New College, after wee had declared your injunctions wee fownd all the great Quadrant Court full of the Leaves of Dunce, the wind blowing them into every corner; and there wee fownd one Master Greenefeld a Gentleman of Buckinghamshire gathering up part of the said book leaves (as he said) therewith to make Sewells or Blaunshers to keepe the Deere within the wood, and thereby to have the better crye with his hounds.' Wood, *Annals*, II. p. 62.

[2] For a collection of Scholastic absurdities see Binder, *Scholastica Theologica*, Tubingæ, 1614.

CHAP. XII, § 7. mixed one. In the depth of its religious feeling his writing contrasts favourably with the cold rationalistic orthodoxy of Thomas. On the intellectual side, as well as on the religious, his doubts mark an advance, though in his mode of meeting doubt there is retrogression as well as progress. His intellect was acute enough to see through much of the Thomist apologetic for medieval dogma, but the dogma is none the less insisted on. As a Philosopher, he is, indeed, partially emancipated from authority. But, if Aristotle and Augustine count for less with Scotus than with S. Thomas, the Church and the Pope count for more. The Thomistic predestinarianism, the materialistic doctrine of 'grace,' the arbitrary 'scheme of redemption' are softened and spiritualized. On the other hand, the strenuously asserted Free-will both of God and Man approximates to arbitrary caprice. With some of the harshness of Thomism there disappears also that noblest feature of the earlier Scholasticism—its profound belief in the essential rationality of the great principles of Morality and of Religion both Natural and Revealed. By Scotus' time the great shock of the thirteenth-century Scepticism had passed away: the Faith seemed to be in no peril: Scotus is for the most part content to let Theology rest on the emotional prostration before authority popularly called Faith. By Duns Scotus the essential distinction between right and wrong was at least half-denied; Morality was made to depend on the arbitrary will of God[1]; Duty was reduced to a calculation of profit and loss; and while the fundamental basis of all religion was thus cut away, the theological energies of the 'Subtle Doctor' and of the Order of which he was the ornament were devoted to fastening upon the medieval Church, in the teeth of patristic authority and

[1] Scotus denies the *perseitas* of Good, and declares that murder would be right if commanded by God. (Opus. Oxon. III. Dist. 37, *Opera*, Lugduni, 1639, VII. p. 857). On the other hand he makes *beatitudo* consist in Love (Report. Paris. IV. Dist. 49, *Opp.* XI. p. 890 *sq.*). In fact his position is that man's love of God may be disinterested, his love of man not.

Dominican orthodoxy, the baseless fancy of the Immaculate Conception of Christ's Mother.

William of Ockham.

The intellectual monstrosities which emanated from the Scotist brain could not fail to provoke reaction. It is a striking tribute to the unquestioning submission of the Dominican intellect to the authority of S. Thomas that the reaction against Scotus came from the ranks of his own order, not from those of its opponents. So long as he attacked Thomas, the Franciscan was free to choose his philosophical position. Scotus had complied with this essential condition of Franciscan Philosophy by a return to Realism: William of Ockham complied with it by the revival of thorough-going Nominalism. The way for Ockham was prepared at Paris by the nominalizing Dominican Durand of S. Porçain and the secular Peter Auriol. But it is fairly certain that Ockham himself had studied and taught in Oxford before graduating in Paris[1]: it is certain that he was an Englishman and that it was in the English Universities[2], in the English Nation of Paris, and in its daughters, the German Universities — notably in the Teutonic Nations of Prague and the purely Teutonic University of Vienna—that Ockham's Nominalism took the speediest and firmest root, a fact the significance of which becomes evident when it is remembered that Luther was educated as a Nominalist[3]. On its purely logical, its purely intellectual side, Ockhamism represents the cul-

[1] 'The name of this great Philosopher does not occur in the Old Catalogue, and his connection with Merton College seems to rest almost entirely on the authority of Sir Henry Savile, who cites an entry in a College MS. which Kilner failed to find' (Brodrick, *Memorials of Merton College*, p. 194). He is, however (as Mr. Lyte points out, p. 118), mentioned in a eulogy of the University in Lambeth MS. 221. f. 308 *b*. Mr. Little (*The Grey Friars in Oxford*, p. 224) also refers to Bartholomew of Pisa, *Liber Conformitatum*, f. 81 *b*, where he is styled 'Bacalarius formatus Oxonie,' and to a Paris MS. which shows that he entered the Order before leaving Oxford.

[2] Certain extreme Ockhamistic articles were, indeed, condemned at Oxford in 1314, but they are theological positions, and there is no repudiation of Nominalism. *Mun. Acad.* p. 100.

[3] He was especially a student of Ockham, d'Ailly, and Gabriel Biel. See Farrar, *Hist. of Interpretation*, p. 324.

CHAP. XII, § 7. mination of all Scholastic thought: and so far Scholasticism supplied the weapons by which it was itself destroyed[1]. Under Ockham's keen analysis and vigorous criticism the realistic elements which still survived in Thomas—his doctrine as to the *principium individuationis*, his 'ideas' in the divine mind, his 'visible and intelligible species'—were brushed aside as resolutely as the more chimerical entities of the Scotist system. From the point of view of the modern non-metaphysical man of Science Ockham represents the perfection of common-sense: 'Ockham's Philosophy is that of centuries later[2].' On nearly every purely logical or psychological question Ockham gives an answer which, right or wrong, might still be maintained in almost the same terms by a modern Philosopher. The distinction of matter and form, the fictitious intermediaries of sensation, the reality of universals outside the mind—all these disappear from his pages: nor on the other hand does he (in spite of a few passages which savour of the theory of *flatus vocis*) fall into the opposite extravagance of a Nominalism which makes truth and falsehood merely a matter of words: in the language of modern Philosophy he would be described as a Conceptualist rather than as a Nominalist. On his negative and critical side, he must remain for the modern as for the medieval world the 'Invincible Doctor.' Are we then to regard the great Scholastic debate as closed and judgment given in favour of the so-called Nominalism of Ockham? Such has been the conclusion of some modern historians of Philosophy. To others it will appear that beyond the limits within which the mind of Ockham and the mind of the modern common-sense Philosopher moves there is a region of truth into which the mere Psychologist (and in Ockham's philosophical writings his Psychology is perhaps the strongest point) cannot enter. Medieval Realism dimly and blindly testified to the part which Mind plays in the constitution

[1] For this point of view, see e. g. Lange, *Hist. of Materialism* (Eng. Trans. by Thomas, London, 1877), I. p. 209 *sq.*

[2] Milman, *Latin Christianity* (1872), vol. IX. p. 148.

of the objects of our Knowledge—to the truth that in all our knowledge there is a rational element (if the expression may be allowed) which comes not from any supposed 'external object' but from the mind itself, and that these mental ideas, forms, relations—call them what you will—are not chimeras, illusions, imaginary entities, faint copies of unintelligible external 'things'; but, in the strictest sense of the word, Realities—not indeed in abstraction from that of which they are relations, but as real as any other element in things. In the dim witness which it bore to this metaphysical truth lay the strength of medieval Realism; and hence in part it was that medieval Realism was not stamped out by the 'Invincible Doctor.'

Ockham's Theology.

In the region of pure Theology Ockham himself was enthusiastically, unimpeachably orthodox on all questions except the authority of the Papacy and its relation to the Civil Power: he belonged, indeed, to that fanatical section of the Franciscan order—the 'Fraticelli' as they were called—who maintained in the teeth of Pope and Councils the absolute poverty of Christ and his Apostles and the obligation of such absolute poverty on all his Ministers. In Philosophy Ockham was a sceptic: in Theology he was as zealous a champion of Franciscan superstition as the fantastic Scotus. And this union of philosophic scepticism with theological reaction was effected by the expedient so tempting to the fanatics of all ages, the division of the human mind into 'watertight compartments,' the total divorce of Faith from Reason—in other words by a blind prostration of the intellect, in matters of Religion and Morality, before either external authority or subjective religious emotion or some combination of the two. We have observed the tendency to this divorce between Reason and Religion even in Scotus: but it reaches a climax in his pupil Ockham [1], who positively revelled in demonstrating

[1] Theologically Ockham was the follower of Scotus, not his opponent—especially in his doctrine of grace. It was the Scotist and Nominalist, not the Thomist, doctrines of 'Merit' against which the Reformers revolted. See Ritschl, *Critical History of the Christian doctrine of Justification and Reconciliation* (Eng. Trans. by Black, Edinburgh, 1872), p. 73 *sq.*

CHAP. XII, § 7. the uncertainty or irrationality of the dogmas which as a Theologian he was prepared to swallow with dutiful avidity[1]. It is in this respect that the Scholasticism which originated in the first half of the fourteenth century often falls so far below what may be called the moral level of the older Scholasticism which it so largely supplanted.

The Odium Metaphysicum.

Some appreciation of the teaching of Scotus and Ockham is necessary if we would realize the state of Oxford thought at a period in which the debates of the Schools had issues of far-reaching ecclesiastical and political importance. We are familiar with the picture of medieval students ranging themselves under the rival banners of Nominalism and Realism and fighting in the streets for these metaphysical abstractions as vigorously as they would fight at other times for their Nation, their Faculty, or their University. But it should be remembered that it is only in the fourteenth century—after the development of Scotism and Ockhamism —that Scholasticism assumed the form of a philosophic feud mingling itself up with every other national, political, and ecclesiastical question of the day. And it is absolutely necessary to bear this fact in mind if we would appreciate the position of Wycliffe in Oxford and in the medieval Church. The fate of Wycliffe's Reform movement was largely determined by its association with what was, on the Continent, the weaker philosophical party. In Paris, and still more in the German Universities which sprang out of the English Nation at Paris, the Nominalism of Ockham was for a moment triumphant. But at Oxford the development of Realism does not close with Scotus: there was a reaction against the extravagances of Scotism within the Realist ranks: and that reaction was led by Wycliffe. Nothing is more essential to an appreciation of Wycliffe's position than to realize that he was a famous scholastic thinker quite independently of his position as a theological and religious Reformer. It was Wycliffe's prestige as a Schoolman that gave so much weight to the reform movement which he had inaugurated. Since the

[1] See especially his *Centiloquium Theologicum*.

days of Albert the Great, Scholasticism, amid all differences between conflicting Schools, had been unimpeachably loyal to the medieval Church-system and the theological premisses on which it was based. The importance of the Wycliffite movement consisted in this, that now for the first time the established Church principles were assailed, not by some obscure fanatic, not by some mere Revivalist, but by a great Scholastic Doctor in the 'second school of the Church.'

Intellectual vitality of fourteenth-century Oxford.

It was no accident that this movement took place in Oxford. We have already insisted on the greater freedom of Oxford thought in the thirteenth century as compared with the theological narrowness of Paris. At Oxford there was little of the scepticism or Pantheism which at Paris was with so much difficulty driven beneath the surface. There was no Inquisition: burning and other punishments for heresy were all but unknown in England till the reaction against Wycliffism in the reign of Henry IV. At Oxford there was more intellectual freedom: on the other hand there was that deeper and more earnest vein of religious feeling which has been thought to be characteristic of the Teutonic as compared with the Latin races. In the generation which intervened between Scotus and Wycliffe Oxford was the scene of immense intellectual activity[1], and of an intellectual activity which had more contact with the religious and political life of the country at large than was the case with the Parisian Scholasticism of the preceding century. Ockham himself was no less great as a political thinker, as the champion of secular authority against the usurpations of the pseudo-spiritual Papacy, than as the cleanser of the Augean stable of metaphysical absurdity. As a Meta-

[1] That the reader may appreciate the number of the Oxonian thinkers in the century after S. Thomas' death, it may be well to add the Franciscan Richard Middleton, one of the early critics of Thomism, who paved the way for Scotism; the Scotist John Dumbleton; the Mertonian Walter Burleigh, a somewhat original eclectic styled the 'Doctor planus et perspicuus'; the Carmelite, John Baconthorp, the Realistic or Averroistic 'Doctor resolutus.' Not all the other Nations and Universities of Europe between them could muster such a list (cf. above, vol. I. p. 248, n. 6). Of course most of these men afterwards taught at Paris or elsewhere on the Continent, but Oxford alone can call them her sons.

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Wycliffe's predecessors.

physician Wycliffe was his opponent, though an opponent who knew how to profit by his criticism[1]; but as a political and ecclesiastical thinker, Ockham was distinctly one of his intellectual progenitors[2]. Among the other influences that moulded Wycliffe's mind in the Schools of Oxford and testify to the vigour and independence of Oxford thought at this period, two names may be mentioned. The Mertonian Realist[3] Thomas Bradwardine (afterwards Archbishop of Canterbury) besides being distinguished as a Mathematician, was the original and vigorous exponent of that Augustinian Predestinarianism which so deeply coloured the Wycliffite and Hussite movements. Although Augustine contributed to the sum total of the Scholastic Theology not less largely than Aristotle, the general effect of Scholasticism was to throw into the shade the more Pauline side of Augustine. However appalling some of the Augustinian dogmas may sound to modern ears, it must be admitted that a return to Augustine was a step towards a return to spiritual Christianity. The return was begun by Bradwardine, and carried on by Wycliffe and Hus. Nearly all medieval religious Reformers were strong Augustinians: even the Reformation of the sixteenth century was a return to Augustine, or to an element in Augustine, rather than a return to the New Testament or

[1] It would be difficult to desire a more moderate or more reasonable Realism than is expressed in the following: 'Et concordat ratio naturalis, cum Socrates et Plato magis conveniunt, quam Socrates et asinus; illud ergo, in quo conveniunt, est commune, ut primo conveniunt in specie, et sic gradatim in genere, quousque ad genus generalissimum sit adventum; sic omni individuo hominis [*leg.* homini] esse hominem et per consequens communis essentia vel quiddĭtas hominis est communis' (*Trialogus*, ed. Lechler, Oxonii, 1869, p. 85). In the *De Ente Predicamentali* (ed. Beer, Wyclif Soc. 1891, p. 41) he admits that 'ydee non sunt substancie formaliter, si non equivoce . . . Ideo solum habent esse intelligibile aut possibile, necessarium et eternum.' Wycliffe's 'ideas' have no existence apart from God; in fact he assents to Grossetête's doctrine that 'Deus est forma rerum.'

[2] A Papal Bull (in Walsingham, *Hist. Angl.*, ed. Riley, 1863, I. p. 347) addressed to the Chancellor and the University against Wycliffism complains of the revival of the doctrines of Ockham's disciples, Marsilius of Padua and John of Jandun.

[3] Brodrick, *Memorials of Merton*, p. 188.

to primitive Christianity. But the most powerful influence of all those which acted upon Wycliffe's mind was that of Richard Fitzralph, like Wycliff once a Fellow of Balliol. and afterwards Archbishop of Armagh, the greatest Scholastic luminary of Wycliffe's younger days, though better known to us as the champion of the University and the secular clergy against the encroachments, usurpations, and theological corruptions of the Friars. Recent researches have proved that Wycliffe's polemical works are more extensively and directly indebted to the writings of Richard than had hitherto been supposed[1]. Armachanus (as the Middle Age styled him) was certainly a more vigorous and powerful writer than Wycliffe—perhaps the most intricate and obscure of all the great Scholastic host—though he is not to be compared to the great Reformer either in moral intensity or in the range of his speculation.

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John Wycliffe as Schoolman.

It is a striking illustration of the success which generally attends well-conducted persecution that Wycliffe has been almost ignored by the historians of Philosophy. His great works remained in manuscript up to the Quincentenary of his death. This is not the place in which to assign to Wycliffe his proper place in the history of the Scholastic Philosophy. But, although it is probable that he was not one of the greatest or most original intellects of the Middle Age, the intellectual movement of which Wycliffe and Wycliffism were the outcome does represent the culmination of that speculative fermentation of which fourteenth-century Oxford was the centre. The movement represents the last great effort of expiring Scholasticism: its fate may perhaps be considered to have shown that Scholasticism could not effect either the intellectual or the religious emancipation at which Wycliffe aimed. The first of the Reformers was the last of the Schoolmen—at least in England. The ecclesiastical repression which followed the collapse of the Wycliffite heresy meant the extinction of all

[1] See Dr. Poole's Preface to his edition of Wycliffe's *De Dominio Divino* (Wyclif Soc., 1890), to which is appended the *De Pauperie Salvatoris* of Armachanus; also his Art. on Fitzralph in *Dict Nat. Biog.*

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vigorous and earnest Scholastic thought. Archbishop Arundel's triumph over the University in 1411 sounded the death-knell of Oxford Scholasticism. The great Realist and Nominalist debate lingered on for a century more: but all the life had been taken out of it: all real, fresh, intellectual activity was beginning to divert itself into other channels. It was not against the vigorous Scholasticism of the thirteenth century, nor even against the keen if over-subtle speculation of the fourteenth, but against an effete traditionalism which perpetuated and exaggerated the defects of the great thinkers that the human mind rose in rebellion at the Renaissance and the Reformation.

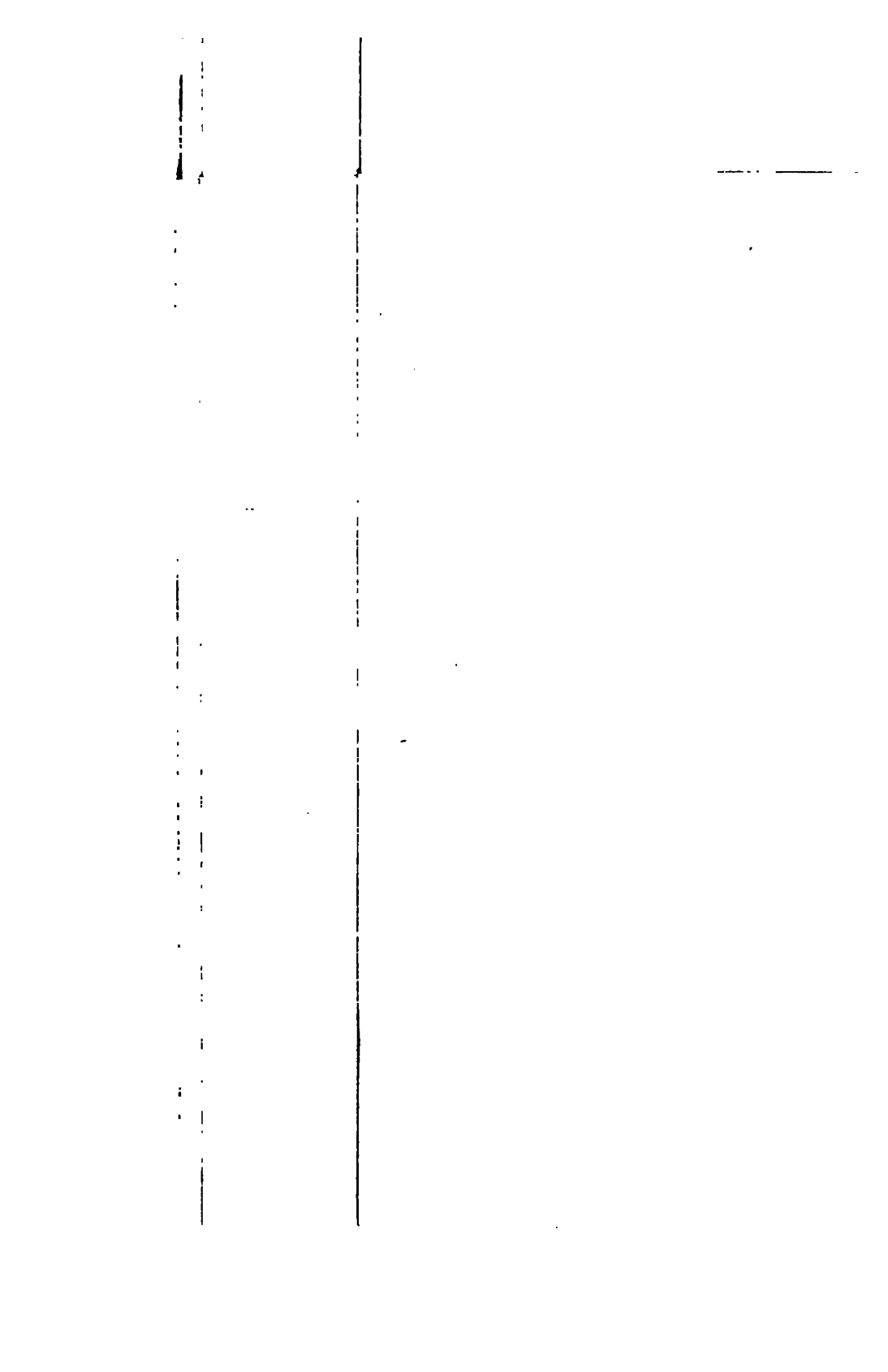
Decay of Scholastic thought after 1411.

Permanence of Wycliffe's work.

As a Scholastic movement Wycliffism was almost crushed in England before the Council of Constance proclaimed its doom to the Catholic world. But none the less it can scarcely be doubted (though certainly the evidence is scanty) that the leaven of Wycliffism went on silently working beneath the surface of Oxford life, while Bohemia was being torn asunder by the religious revolt which the Oxford Doctor's words had done so much to excite[1]. It is a superficial view of history after all which traces the English Reformation to the lusts and the hatreds of a self-willed monarch. When the conflagration excited by Luther began to reach the English Universities, it found the flames already kindled by the Bible-readings of Tyndale in Magdalen Hall and of the Cambridge men both in their own University and in Cardinal College at Oxford. It can hardly be doubted that those Bible-readings of the English Reformers were ultimately the outcome of a tradition of practical piety, of love for Scripture and of discontent with the prevailing ecclesiastical system, which lingered long after the days of Wycliffe in the hearts of the English people and not least in obscure corners of the two University towns[2].

[1] The full extent of Hus' dependence upon Wycliffe has been for the first time adequately demonstrated by Loserth in his *Wyclif and Hus*.

[2] The following inscription in a



§ 8. THE UNIVERSITY OF CAMBRIDGE.

HEARNE appended the *Historiola de Antiquitate et Origine Universitatis Cantabrigiensis* (by a Carmelite Friar named CANTELUPE, who is said to have died in 1441) to his edition of Thomas Sprott's *Chronica*, Oxonii, 1719. It is almost entirely confined to the mythical origines. Dr. CAIUS, the College-founder, who was the Cambridge champion in the Elizabethan dispute for precedence with Oxford, belongs to the same class of historians as Cantelupe. His *De Antiquitate Cantabrigiensis Academiæ Libri Duo* appeared with a reprint of the Oxford *Assertio* of 1566 in 1568 (Londini); an enlarged edition, with a distinct *Historia Cantabrigiensis Academiæ*, in 1574 (Londini), under the name of Caius Anglus. Archbishop PARKER added a few pages *De Scolarum Collegiorumque in Academia Cantebrigiensi Patronis atque Fundatoribus*, with a list of Royal Privileges, &c., to his *De Antiquitate Britannicæ Ecclesiæ*, 1572; he is quite as credulous as Cantelupe. RICHARD PARKER'S *Σκέλετος Cantabrigiensis*, written in 1622, was first published by Hearne in his edition of Leland's *Collectanea*, tom. V. (Oxon., 1715.) It contains an account of the Colleges and a 'Summa Privilegiorum.' A translation of this work (with Cantelupe's *Historiola*) has been published as *The History and Antiquities of the University of Cambridge* (London, 1721). [LANGBAINE] The *Foundation of the Universitie of Cambridge* (London, 1651) is a very meagre account of the Colleges. *The History of the University of Cambridge* by THOMAS FULLER (with his *Church History of Britain*, 1655, ed. by Prickett and Wright, Cambridge, 1840) is the classical History of Cambridge, a much slighter work than Wood's *Annals of Oxford*, but in a style of still more charming quaintness. CARTER, *History of the University of Cambridge* (London, 1753) is chiefly confined to the Colleges. *The History of the University and Colleges of Cambridge* by DYER (London, 1814), though commendably free from antiquarian superstition, is a less important work than his *Privileges of the University of Cambridge* (London, 1824), a collection of documents with notes. *The History of the University and Colleges of the Univ. of C.*, 'printed for R. ACKERMANN,' 1815, is a mere guide-book in folio; PEACOCK'S *Observations on the Statutes* (London, 1841) an interesting

book in the Library of University College, Oxford (No. CLVI) supplies interesting evidence on this head: 'Ego Johannes Russell, episcopus Lincolniensis, fatigatus hoc anno 1491 Oxon. cum multis hereticis, postquam peruenit in manus meas liber fratris Thome Waldensis, venerabilis doctoris, contra Wiclevistas, quorum insanissima dogmata multos nostre religionis Anglicane populares infecerunt, cogitavi aliqua excerpere ex eodem libro super sacramentalibus, in que Lollardi ipsi maxime invehuntur, unde successores nostri et sui assistentes consiliarii in inquisitionibus heretice pravitatis aliqua paratiora inveniant ad confusionem errantium, quam aut nos ante habebamus aut ipsi successores habuissent istis non habitis.'

For some other evidence of the continued influence of Wycliffism see a note by Mr. F. D. Matthew in the *Academy*, No. 525, p. 378.

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work of some research. COOPER, *Annals of Cambridge* (Cambridge, 1842), is the most detailed History that has appeared, but documents are unfortunately translated. The same writer's *Memorials of Cambridge* (Cambridge, . . . ; new ed. 1860) deal chiefly with the Colleges. MULLINGER, *University of Cambridge from the earliest times to the Royal Injunctions of 1535* (Cambridge, 1873) is one of the most readable of University histories and is a real contribution to the history of medieval culture and learning, to which I am under great obligations. (This work is cited as 'Mullinger I.') He continues the narrative in *The University of Cambridge from the Royal Injunctions of 1535 to the accession of Charles the First* (Cambridge, 1884), and has also published a *History of the University of Cambridge* in Creighton's *Epochs of Church History* (London, 1888), which is a popular abridgement continued to the present time. *The Architectural History of the University of Cambridge and of the Colleges of Cambridge and Eton*, by ROBERT WILLIS, ed by JOHN WILLIS CLARK (Cambridge, 1886), is a monumental work, the historical value of which is by no means limited to the architectural side. Mr. Clark has also published a more popular sketch, *Cambridge, brief historical and descriptive notes*, London, 1881.

The ancient Statutes of the University, as well as the Statutes of the Colleges, are printed in *Documents relating to the University and Colleges of Cambridge* (London, 1852). But in the case of some Colleges the Statutes are only printed as revised under Edward VI; in these cases I have consulted the originals whenever extant. GUNNING, *Ceremonies of the University of Cambridge* (Cambridge, 1828) is a useful record of ancient customs which are now too often matters of history.

Many miscellaneous documents and dissertations connected with the University are contained in the various proceedings of the *Cambridge Antiquarian Society*, especially a list of Documents in the University Registry compiled by Dr. LUARD, *Communications*, III. p. 387 (1876). Most of the charters and privileges of the University were collected in three MS. volumes now in the University Registry. I have also consulted the enormous collection of MSS. by Baker (part of which are in the University Library, the rest in the British Museum), and the Cole MSS. in the British Museum. The documents relating to the Colleges are mostly calendared in the *Reports of the Hist. MSS. Commission.*

Myths and Forgeries.

A few words will suffice to clear away the cobwebs with which academic patriotism has surrounded the growth of the University of Cambridge. The exuberance of Cambridge imagination has, indeed, transcended that of our least scrupulous Oxford antiquaries. The foundation of Oxford by Alfred the Great being too circumstantially narrated to be shaken by fifteenth or even sixteenth century criticism, the champions of the eastern University were obliged to carry their inventive researches back into the mists of a still more venerable antiquity. The origin or 'restoration' of the University is variously ascribed to a Spanish

Prince Cantaber, who flourished at a somewhat uncertain epoch, to King Arthur, whose Charter bears date A.D. 531[1], and (by more sober critics) to the Saxon King Sigebert in the seventh century; Bede and Alcuin (whose comparative chronology is not always clear to the historians) are named among its first teachers. A more detailed account of the University in a settlement of Crowland monks early in the twelfth century is derived from the continuation of the Ingulfine Chronicle attributed to Peter of Blois[2]. As to the authenticity of this narrative it will be sufficient to say that it makes an English monk teach the Metaphysics of Aristotle about a century before there is any trace of their use in northern Europe.

The Oxford Migration of 1209.

The first appearance of the Cambridge Schools upon the page of genuine history is in connexion with the great dispersion which followed upon the Oxford 'suspendium clericorum' of 1209. It is useless to speculate as to the character of the Schools of Cambridge before this period. The same reasons which forbid us to make the University of Oxford a spontaneous development of the Schools of S. Frideswyde forbid us likewise to seek the origin of the University of Cambridge (as has sometimes been done) in the Augustinian Priory of Barnwell. In the case of Cambridge there is the additional difficulty that Barnwell is distant a good mile from the site of the later School Street, and that nothing whatever is heard of Schools either at Barnwell or elsewhere in Cambridge before the historic migration of 1209[3]. It may be hoped that those who decline to accept the Parisian migration as the real source of the Oxford Studium Generale because it is not recorded in black and

[1] Printed by Caius, *De Antiquit. Cant.* p. 50, and Twyne, *Ant. Ox.* p. 45.

[2] *Continuatio ad Hist. Ingulphi*, ed. Gale, in *Rerum Anglicarum Script. Veter.*, Oxoniæ, 1684, I. p. 114.

[3] 'Wahrscheinlich kam die Schule erst jetzt in Aufnahme' (Denifle, I. p. 368). In an interesting paper on *The Fenland* (*Archæological Journal*, 1892, p. 272 *sq.*) the Bp. of Peterborough recognizes the origin of the University in migration from Oxford and Paris. He rightly insists on 'ease of access' as the essential condition of its development, but still appears to me to attribute rather too much to the Monasteries.

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white that the English students recalled to England by Henry II repaired to Oxford and because we do hear of Schools at Oxford before this date will not have recourse to the gratuitous hypothesis of Schools at Cambridge before 1209. There may no doubt have been a Priory School at Barnwell, and there were of course the Grammar-schools which in the twelfth century were to be found in every town as large as Cambridge; but to seek in such Schools a 'nucleus' of the later University would be as misleading as to talk of the Cathedral School of Durham and the various Charity Schools of the same place as the 'nucleus' of the University founded there in 1833. It is to be regretted that so much dust should, even in recent years, have been thrown between the student's eyes and a very plain historical fact [1].

Dubious existence from 1214 to 1229.

Cambridge as a Studium Generale dates at earliest from 1209—at earliest because it is by no means clear that its continuous existence really begins with that year. In the ordinary course of things it is likely enough that the place was well-nigh deserted by scholars after the return to Oxford in 1214. At all events after 1209 we hear nothing definite [2] of the Cambridge Studium till 1229. In that year Henry II offered an asylum to the dispersed scholars of Paris, promising to assign certain towns in England for their residence [3]. One of the places to which they actually repaired was undoubtedly Cambridge. It is only after the Paris migration of 1228 that any Royal

Royal recognition.

[1] Even Mr. Mullinger speaks of the University as 'originating most probably in an effort on the part of the monks of Ely to render a position of some military importance also a place of education. The little school prospered; the Canons of St. Giles lent their aid; and when at length, as at Paris and Bologna, a nucleus had been formed,' &c. (*Cambridge*, I. p. 334.) But all known analogies are against the theory that monks founded Schools or Universities at a distance of twenty miles from their own monastery. The days of University Extension were not yet.

[2] Its existence may, however, be inferred from the writ of Henry III in 1218, directing the Sheriff to expel *clerici* who still remained under excommunication for adherence to Louis and the Barons. Doc. in Fuller (ed. Prickett and Wright), p. 20 *note*.

[3] Rot. Pat. 13 Hen. III. m. 6. See above, p. 392.

recognition or any distinct academical organization becomes traceable in that town. Two years later a Royal writ gave the Chancellor of Cambridge—now for the first time mentioned—power to signify to the Bishop of Ely 'rebellious clerks who would not be chastised by the Chancellor and Masters,' whereupon the Bishop was to invoke the aid of the Sheriff[1]. At the same time the Sheriff was ordered to expel from Cambridge all students 'not under the discipline or tuition of some Master of Schools[2].' In the same year the 'taxation' of Halls is recognized in a writ which refers to the 'multitude of clerks from diverse parts as well on this side as on the other side of the sea[3],' showing no doubt the effect of the Royal invitation to the emigrant Parisians to settle in England. The first Papal recognition of Cambridge occurs in 1233, when on the petition of the Chancellor and Scholars, Gregory IX authorized the Bishop of Ely to absolve scholars of Cambridge for *injectio manuum*, and conferred a privilege by which scholars of Cambridge, willing to answer before the Bishop or Chancellor, were not to be summoned beyond the diocese[4].

Constitutional development.

The history of the University privileges follows so very much the same lines as the course of development at Oxford that it would be tedious to reproduce the various steps of the process in any detail[5]. Suffice it to say

[1] *Royal Letters*, ed. Shirley, 1862, I. p. 396. The Chancellor received the direct power of *Significavit* in 1242 (Cooper, I. p. 44); yet even after this we find him signifying through the Bishop. Ely Reg. Arundel, f. 9.

[2] *Royal Letters*, l. c. (Fuller, ed. Prickett and Wright, p. 23). Fuller reads 'scholarium,' but this would be a most unusual expression.

[3] *Ib.* (Fuller, p. 23).

[4] Bliss, *Calendar of Entries in the Papal Registers*, I. pp. 135, 136. Cf. *ib.* p. 142.

[5] The parallelism of the two histories extends even to the buildings. The original hired Schools were grouped about S. Mary's Church. The first University Schools at Cambridge were begun in 1470 (Fuller, ed. Prickett and Wright, p. 168 *note*). S. Mary's was rebuilt in 1478 (*ib.* p. 170 *note*). The great benefactor and builder of the Cambridge Library, Thomas Rotherham, Archbishop of York, was a contemporary of Duke Humphrey. For the history of the Library, see Art. by Henry Bradshaw in *Collected Papers* (Camb. 1889), No. xxii, and for the architectural history generally

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that the academic prerogatives and liberties were at Cambridge considerably slower in their growth and somewhat less magnificent in their final development than was the case at Oxford[1]. Thus it was not till 126$\frac{1}{8}$, after a migration to Northampton, provoked by the oppressions of the townsfolk, that the University was granted the privileges in relation to the assize of bread and beer, to the conservation of the peace, and to other matters which Oxford had already enjoyed for twenty years[2]. It was not till 1314 that her Chancellor obtained the cognizance of personal actions[3] of scholars against laymen—a privilege which Oxford had enjoyed since the beginning of the preceding reign; and not till 1383 that the jurisdiction was extended to all cases except felony or mayhem[4].

Growth of ecclesiastical independence.

Still more slow was the growth of the University's ecclesiastical independence. Up to the end of the thirteenth century we find the Bishop, through his Official, deciding internal disputes between the various Faculties of the University, or hearing appeals from the Chancellor's decisions[5].

see Willis and Clark, vol. III. It may be added that S. Benet's Church at one time had a certain connexion with the University. A dispute as to payment for ringing the bell of S. Benet's for extraordinary Lectures (1273–4) is printed by Mr. Clark in *Camb. Ant. Soc.* 8° *Pub.* No. xvii. p. 56. Its bell was still rung, not only for this purpose but for Congregations, till after 1655. (Masters, *Hist. of C. C. C.* p. 431.) It would also appear to have been used for English University Sermons (*ib.* p. 433), like S. Peter's-in-the-East at Oxford.

[1] The earliest extant Statute and the first mention of the Rectors (i. e. Proctors) is in 1275 (see above, pp. 368, 369), but the document implies earlier Statutes and a long-established constitution.

[2] Rot. Pat. 52 Hen. III. m. 25 (Dyer, *Priv.* I. p. 63).

[3] Rot. Pat. 7 Ed. II. pt. 2 (Hare, I. p. 65).

[4] Rot. Chart. 7 Ric. II. No. 21 (Hare, I. 219).

[5] Hare MS. I. p. 44 *a*, 45 *b*; Bentham, *Hist. and Antiq. of Ely* (Norwich, 1812), p. 152. We find the Prior and Canons of Barnwell successfully resisting the Chancellor's jurisdiction, and the Official saying to the University, 'Omnem iurisdictionem quam habetis, ex gratia domini mei Episcopi habetis, qui vobis concessit iurisdictionem in clericos, Archidiaconus autem habet iurisdictionem in Rectores, Vicarios, etc., unum tantum sibi reservavit sc. viros religiosos.' *Liber Memorand. Eccl. de Bernevelle*, Harleian MS. (Baker) 7036, p. 65. Cf. *Hist. and Antiq. of Barnwell Abbey* in Nichols, *Bibliotheca Topographica Britannica*, V. (London, 1790), pp. 24, 25.

We even find traces of a claim to have the Statutes of the University submitted to him for confirmation[1]. It was not till 1374 that the Cambridge Chancellor even made a difficulty about taking the oath of canonical obedience, but after a long conflict and an appeal to the Court of Arches he was compelled to take it[2]. After this, however, the oath was sometimes dispensed with as a matter of favour; but the Chancellors continued to seek confirmation from the Bishop, and in some instances even to submit to the oaths of canonical obedience and respect for the Episcopal rights, down to the year 1400[3].

Emancipation from Bishop.

The earliest evidence which occurs of a claim to even a limited exemption from episcopal jurisdiction, is in

[1] Some difficulty was made by Bishop Montagu's Official (Reg. f. 2 *b*) in 1337 about the confirmation of the Chancellor-elect. 'Non intendebat . . . aliqua statuta per universitatem Cantebrigiensem edita approbare, consensu ipsius Patris minime requisito, nec etiam ipsum electum aliqualiter confirmare, nisi secundum morem antiquum confirmandi hujusmodi electum in Cancellarium Universitatis predicte.' He compelled the Chancellor to swear 'quod non innitetur alicui novo statuto in dicta universitate circa electionem dicti Cancellarii edito vel edendo quod quovis modo redundare posset in preiudicium ipsius Patris aut iurisdictionis sue vel ecclesie sue Eliensis,' together with the oath of canonical obedience. It may be worth adding that the Bishop used to issue during vacancies a commission to the Doctors 'ad custodiendum iurisdictionem Universitatis Cantebrigiensis durante vacatione Cancellariatus,' whereas at Oxford the University and its *Cancellarius natus* (the senior D.D.) used to exercise such jurisdiction without episcopal authority. See above, p. 426 *n.*, 427 *n.* 3.

[2] Ely Reg. Arundel, f. 75 *a*; Cooper, I. p. 112; Reg. of Consistory Court (Ely Registry, D. 2. ff. xix *a*–xx *b*). The Chancellor is found 'pretendens . . . ipsum pro tempore suo ac predecessores . . . liberos fuisse et immunes ab omni obedientia Episcopis Eliensibus et . . . officiali eorundem et ministris prestanda.' It is to be noticed that the appeal was technically 'ad sedem apostolicam directe et pro tuicione Curie Cantuariensi.' This is usually explained as an appeal for the protection of the Archbishop as *legatus natus, pendente lite* (see *Reg. Joh. Peckham*, ed. Martin, II. p. cvii), but, if we may generalize from this instance, it seems that practically the case was decided by the Arches Court in virtue of the Archbishop's position as *legatus natus*.

[3] Ely Reg. Fordham, f. 181 *b*. In 1401 an appeal to the Arches from the Chancellor in a civil suit was prohibited 'per breve Regis' (Lambeth Reg. Arundel, I. f. 554).

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a Royal order of 1391, which forbids the Bishop of Ely to withdraw into his own Court causes pending before the Chancellor[1]. In 1401 Boniface IX dispensed with the Episcopal confirmation of the Chancellor-elect[2]. The early years of the fifteenth century were years of rapid progress at Cambridge; the University had now begun to be a formidable rival to Oxford. It was high time to assert their equality in medieval fashion, not merely prospectively but retrospectively. Accordingly a Bull was forged, purporting to emanate from Pope Honorius I, in the year 624. In this audacious document[3] the Pope is made to assert that he had himself studied at Cambridge, and to confer upon the University the privilege of exemption from all Episcopal and Archiepiscopal authority. In the year 1430 the refusal of the Chancellor-elect, John of Dunwich, to take the oath of obedience to the Bishop, led to a suit in the Roman Court. On the strength of the Bull of 624 and other equally valuable documents the Papal delegates, sitting in the Chapter House of Barnwell in 1432, solemnly decided in favour of the University's entire ecclesiastical independence[4].

The Barnwell process, 1432.

When did Cambridge become a Studium Generale?

A more interesting matter than the claim of the University to ecclesiastical immunity is a question which has been raised by Denifle as to the date at which Cambridge became a Studium Generale. Nothing in Denifle's great work was more startling to English readers than to find Oxford and Cambridge treated as belonging to totally different classes or groups of Universities. Oxford appears

[1] The doc. is one of those which occur in Rysley's *Catalogue*, but are not now in the Registry. Luard, p. 389.

[2] Vatican Register An. 12. Lib. 2. 6.77. I am indebted for this reference to Mr. Bliss' MS. transcripts.

[3] It was admitted that the original was lost: copies survive in the Registry (Drawer I. 19). It is printed by Twyne, *Ant. Oxon.* p. 60, also (p. 77) a Bull of Sergius I, produced on the same occasion. Both in Caius, *De Antiq. Cant.* (1574), pp. 58, 60.

[4] The Bull of Martin V to the Prior of Barnwell delegating the affair is preserved in the Registry (vol. I. p. 96), as also the ensuing 'Process' (Drawer I. 18) and the confirmation by Eugenius IV in 1433 (vol. I. p. 100)—all printed in the *Hist. and Antiq. of Barnwell Abbey*, App. p. 31.

among the primeval Universities which were not founded but grew: Cambridge is treated as having been for the first time erected into a Studium Generale by the Bull of John XXII in 1318[1], which is undoubtedly worded in the ordinary form of a foundation-bull creating a new Studium Generale with the *jus ubique docendi* and other privileges. Without discussing again the correctness of Father Denifle's general theory as to the nature of a Studium Generale, it may be pointed out that his treatment of Cambridge is upon his own principles somewhat arbitrary. The term Studium Generale was perhaps less used as well as less exactly defined in England than was the case in Italy, while Cambridge was little known on the Continent. It may therefore be difficult to cite passages in which Cambridge is explicitly styled a Studium Generale before the grant of the Papal Bull. But it may still be contended that in the thirteenth century the Studium possessed all the characteristics which were included in the vague conception of a Studium Generale then prevalent—a considerable number of Masters both in Arts and in at least one of the superior Faculties, students from distant regions, regular Licences and Inceptions, Royal recognition and privilege. If we ask how far in the early part of the fourteenth century the *jus ubique docendi* would have been conceded to Cambridge on the strength of ancient prescription, it is sufficient to say that at Oxford at all events Cambridge degrees were in all probability fully recognized[2]: and that therefore on the very strictest interpretation of Denifle's canons, Cambridge should at least be

Bull of John XXII, 1318.

[1] Printed by Fuller, p. 80. It is true, however, that a chronicler speaks of the University as created *de novo* at this time: 'An. MCCCXX° de studio Grantebrigge facta est universitas sicut est Oxoñ. per Curiam Romanam.' *Chron. Petri de Ykham* in the Library of C.C.C., Cambridge (No. 339).

[2] *Mun. Acad.* p. 399. This Statute is not dated; but, as Cambridge enjoys privileges over and above other Universities, the concessions cannot be merely ascribed to the Papal Bull. An inference may possibly be drawn from the Statutes of Peterhouse, which allow two or three scholars at a time to study at Oxford. They would hardly have done this unless they could be admitted *ad eundem* in that University.

CHAP. XII, § 8. recognized as a *Studium Generale respectu regni* before the Bull of 1318[1].

Insignificance of medieval Cambridge.

Surprising as most Englishmen will probably think this particular application of the strict juristic theory as to the nature of a Studium Generale, Denifle's treatment of Cambridge will have a salutary effect if it awakens the English mind to the medieval insignificance of a University which at present divides so exactly the higher education of this country with her more ancient rival. Up to the end of the fourteenth century—that is to say, virtually up to the downfall of Scholasticism—Cambridge was a third-rate University; its position relatively to Oxford was the position of Erlangen or Greifswald as compared with Berlin, the position of S. Andrews as compared with Edinburgh, without that halo of superior antiquity which still enables little S. Andrews to bear herself proudly among the Universities of Scotland. Not a single great Schoolman can be shown to have taught at Cambridge: it is hard to produce the name, I will not say of a great man but of a prominent ecclesiastic, who studied at Cambridge before the middle of the fourteenth century. Its surviving Statutes, late as they are, bear witness to the smallness of its numbers. It is contemplated that the whole number of its Regents in Art smay not exceed twelve[2]: while it is necessary to make provision for the absence of even a single Doctor in Decrees or in Medicine[3]. It was not till Oxford had become impregnated with the Wycliffite

[1] A further argument may be drawn from the fact that Oxford applied for a Papal Bull conferring the 'ius ubique docendi' at the same time as Cambridge. (Above, I. p. 16; *Chartul. Univ. Paris*, T. II. No. 756.) Oxford is admitted to have been already a Studium Generale. Too much must not be made of the fact that the Papal Chancery happened to draw up the Bull in the form which it was accustomed to use for the foundation of a new University. It is quite possible that the Papal scribe had never heard of Cambridge in 1318.

[2] Non-regents may in this case vote in the election of Chancellor. *Documents*, I. p. 309. So again *ib.* p. 361.

[3] 'Si doctor in decretis regens in villa non fuerit.' *Documents*, I. p. 365. So the Proctors may present for medical degrees, 'si nullus regens vel non-regens in urbe fuerit.' *Ib.* p. 367.

heresy that Cambridge came into fashion with cautious parents and attracted the patronage of Royal champions of orthodoxy and their ecclesiastical advisers. The numbers grew rapidly during the latter half of the fifteenth century, and towards its close must have nearly equalled the much diminished population of Oxford[1].

Resemblance to Oxford.

The organization of the University of Cambridge is so completely framed on the Oxford model that it will be enough to specify a few points in which the ancient Statutes of Cambridge exhibit original features of their own. In dealing with their contents, it is necessary to remember that we have no very ancient Statutes belonging to the University. The University Archives were burned by the Townsmen in the great 'Town and Gown' riots of 1381[2]. There are scarcely any Statutes which can be with any confidence referred to a period before 1381: the great majority of them belong to the fifteenth century[3]: the earliest extant fragment of a Statute-book dates from *circa* 1398[4], the earliest Proctor's book from 1417[5]. We are

[1] It appears from the MS. *Liber Gratiarum* A that in 1458 there were only six Inceptors in Arts. A great change seems to take place about 1459, when there were eighteen Inceptors — almost equal to the Oxford average at about the same time. At the beginning of the sixteenth century, the Scotch historian, John Major, describes Cambridge as 'Oxonia paulo inferior tam in scholasticorum numero quam in literis' (*Hist. maj. Britanniæ*, Paris, 1521, f. viii). He continues: 'In utraque vniuersitate quatuor aut quinque millia scholasticorum inuenies, omnes sunt adulti, enses et arcus ferunt, et pro magna parte nobiles. In collegiis autem grammatice non incumbunt. . . . In Europa opinione mea in musica sunt primi.' The evident exaggeration of the statement about the age of students, &c. detracts from his estimate of the numbers, which is clearly much too high for this period.

[2] *Rot. Parl.* III. 108; Cooper, *Annals*, I. pp. 120–1. It is worth while to cite Erasmus' character of the Cambridge townsmen: 'Vulgus Cantabrigiense inhospitales Britannos antecedit, qui cum summa rusticitate summam malitiam conjunxere' (Lib. VI. Ep. 27).

[3] The Editor of the *Ancient Statutes* shows that the Statute about the Bedels must be 'ante 1276' (*Documents*, I. p. 354): does this owe its survival to a copy being in the possession of a Bedel, and therefore less exposed to danger?

[4] Known as the 'Liber Procuratoris Antiquus,' some leaves of which are bound up in the Junior Proctor's Book. See the Preface to the Statutes in *Documents*, I. p. 306.

[5] Known as 'Markaunt's Book'; but the majority of the Statutes are

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therefore prevented from tracing the growth of the academic constitution, which it would have been interesting to compare at each stage of its development with the successive changes at Oxford, and can only portray the constitution as it is presented to us, fully grown, at the beginning of the fifteenth century. And here the following points of contrast seem noteworthy:—

Points of Contrast: Proctors and Rectors.

(1) It has already been noticed that the Proctors were at Cambridge habitually styled Rectors. In the earliest Statutes the title Rector is often used alone: in others it is 'Rectores sive Procuratores.'

Taxors.

(2) The Taxors, whose primary function was the taxation of Halls, were associated with the Chancellor in the custody of the assize of bread and beer[1]: and in various ways were more important officers than at Oxford. It is no doubt owing to this circumstance that the office has at Cambridge survived till yesterday. Among other duties the Taxors performed some of the functions of the Oxford Clerk of the Market.

Trial by Masters.

(3) We have seen that the earlier code of Legatine Statutes at Paris issued in 1215 appears to recognize the right of the individual Master to try causes in which his scholar was defendant. There is no trace of such a prerogative in the Oxford Statute-book: but it is distinctly recognized at Cambridge[2] in the case of minor causes except when the scholar has 'expressly or tacitly renounced the jurisdiction of his Master.'

Voting in Congregation.

(4) There is no trace of a 'Black' or 'Previous Congregation,' a circumstance which explains the absence at a later date of the Proctorial veto. How far there was any

found only in the Senior Proctor's Book.

[1] *Documents*, I. p. 349. Later (as it would seem) a Statute was passed to restrict their powers. *Ib.* pp. 322, 323. They ranked next to the Proctors. *Ib.* p. 35.

[2] 'Magistri Regentes causas scholarium suorum ex parte rea existentium audiant et decidant universas, dummodo hoc postulaverint vel conventi hoc idem in judicio allegaverint' (*Documents*, I. p. 328). This and some other details of the Statutes suggest that Cambridge sometimes borrowed its institutions direct from Paris, and not indirectly by way of Oxford. Cf. above, vol. I. p. 292.

voting by Faculties is not clear: but it would appear that the Doctors of the Superior Faculties had some distinct voting power, since 'the consent of all the Doctors' is recited together with that of the Regents and Non-regents[1].

The Master of Glomery.

(5) Another wholly peculiar Cambridge institution is the office of *Magister Glomeriae*—a superintendent of the Grammar-schools appointed by the Archdeacon of Ely, whose jurisdiction over these inferior schools dates no doubt from a time prior to the existence of the University. A dispute arising between this official and the Chancellor, Hugh Balsham, Bishop of Ely, in 1267 decided that the Master of Glomery should have jurisdiction in all disputes or causes of grammar-boys (*Glomerelli*) among themselves or with townsmen, but that causes between the Glomerels and members of the University should go to the Chancellor's Court[2]. The Master of Glomery presented for degrees in Grammar in the absence of a Master of that Faculty[3].

[1] 'In plena congregatione Regentium et Non-regentium ... consentientibus omnibus doctoribus secularibus et religiosis' (MS. *Liber Gratiarum* A ad ann. 1457).

[2] Doc. in Fuller, p. 47; Peacock, App. A. Cf. Harleian MS. (Baker) 7040, p. 219. A building used as a Grammar-school was called 'Le Glomery Halle' (Willis and Clark, I. p. 320). The word 'Glomerellus' is used of the Grammar-boys in the School founded by Abbot Samson at Bury S. Edmund's. British Museum Add. MSS. 14,848. f. 136 (privately printed with the Statutes of the Free Grammar-school at Bury, and kindly communicated to me, by my colleague, Lord Francis Hervey). Cf. above, p. 138. The Magister Scolarum at Bury had a regular jurisdiction where one of his scholars was a party, and no one was allowed to teach within the liberty of S. Edmund without the permission of Abbot and Master.

[3] *Documents*, I. p. 374. The Archdeacon's commission to the Master of Glomery (Caius Coll. MS. No. 204, f. 216) begins: 'Cum ordinacio, disposicio et collacio Scolarum Grammaticalium et Magisterii Glomerie in universitate Cantebrigiensi ad nos et Archidiaconum Eliensem quemcunque pro tempore existentem, dinoscitur notorie pertinere,' &c. Observe how this survival from the pre-University era shows the improbability that the University Schools in any way grew out of the old Schools of the town. Had there been any Schools but Grammar-schools in Cambridge before 1209, the Archdeacon and Magister Glomeriæ would doubtless have claimed jurisdiction over the Masters and Scholars who arrived from Oxford in that year.

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Shorter D.D. course.

(6) The course in Theology was shorter than at Oxford. A Doctor's degree could be obtained in ten years, even by the candidates who had not been M.A.[1]

Bachelors vote.

(7) In some of the earliest Statutes of the University (one of them dated 1275) we find Bachelors—perhaps Bachelors of the Superior Faculties—present and apparently voting in Convocation[2]. The anomaly is not unparalleled in very small Universities. It disappeared at a later date.

Studies.

(8) Our information as to the books required for degrees in various Faculties in various Universities at various times is so incomplete that it is hazardous to institute comparisons between them, but the Cambridge Statutes do seem to give a prominence to Mathematics in which it is tempting to find a prognostication of that devotion to the subject which has been the most characteristic feature of Cambridge studies for the last 200 years. The candidate for Inception in Arts was required to have been hearing mathematical lectures (in addition to Aristotle) during the whole three years of his course between Determination and Licence[3]. A later Statute assigns the first year to Arithmetic and Music, the second to Geometry and Perspective, the third to Astronomy[4]; but by this time six weeks' lecturing is counted as a year.

The *Caput Senatus*.

(9) In the year 1488 with a view of putting a stop to the excessive and probably corrupt laxity with which graces or dispensations were given by the Regents, it was enacted that no grace dispensing from the statutable requirements for degrees should be submitted to the House without the previous consent of a Board consisting of the Chancellor or Vice-Chancellor, and two Doctors of Superior Faculties. Here we have no doubt the first germ of the

[1] *Documents*, I. p. 377.

[2] So in the copy printed by Peacock, p. 23. The preamble disappears in the Statute-book. *Documents*, I. p. 342: but cf. *ib.* p. 335, where we hear of 'majores baccalaureos ... specialiter in plena magistrorum congregacione ad hoc vocatos.' Cf. above, p. 239.

[3] *Documents*, I. p. 360.

[4] *Ib.* p. 382. The Statute shows that Religious were here admitted to Arts lectures.

peculiar Cambridge institution afterwards known as the Head of the Senate[1].

(10) The Non-regents, in certain cases at least, claim a share in the election of Chancellor[2].

Non-Regents.

I fear there may seem to be something almost disrespectful in the brevity with which I have disposed of so great a University as Cambridge. But the fact is that it is almost impossible to find anything to say about medieval Cambridge which has not already been said of Oxford. It is surprising how rarely allusions to Cambridge and its affairs are found in the pages of historians—perhaps once for every ten or twenty times that the name of Oxford occurs in the Chroniclers. If apology for my treatment of Cambridge be needed, it is supplied by the conduct of its own very learned historian, who has been driven for lack of material bearing upon medieval Cambridge to fill his pages with the history of Oxford. So scanty are the earlier records of Cambridge that we should be tempted even to exaggerate its medieval unimportance but for those standing memorials of its past which are supplied to us by her Colleges, to the history of which we must now turn[3]. At Oxford the University had reached European fame before its earliest College was founded. At Cambridge there is reason to believe that the University was kept alive during its obscurer period and eventually nursed into fame and popularity very largely through the munificence of College-founders.

Lack of materials.

[1] 'Quod nulla gratia tempus aut formam concernens de cætero petatur, nisi prius coram cancellario præsidente aut vice-cancellario et duobus doctoribus in congregacione publice legatur ac per eosdem petenda decernatur' (*Documents*, I. p. 318). As to the later history of the *Caput Senatus*, see Peacock, p. 21 *sq.*

[2] There was an appeal on the subject to the Arches Court in 1369. (Camb. Registry, vol. I. 38.) Cf. below, p. 552 *n.* 2.

[3] The Halls, at Cambridge known as *Hospicia*, have died out. The bodies so called, 'Trinity Hall, Clare Hall,' &c. are really Colleges, just as Balliol used to be *Aula de Balliol*, &c.

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§ 9. THE COLLEGES OF CAMBRIDGE.

The Hospicia.

The system by which Halls were let to parties of students under a Principal was exactly the same at Cambridge as at Oxford. At Cambridge, however, the more usual name was Hospicium or Hostel—not the only instance in which a Parisian usage has been preserved more faithfully at Cambridge than at Oxford. It is still more clear than at Oxford that the Principal was freely elected by the Students[1]: and (whatever may have been the case at Oxford or Paris) their rights remained quite unimpaired down to the fifteenth century[2]. Eventually, when the majority of Halls had passed into the possession of Colleges, the Colleges appointed an 'external Principal'—sometimes styled the 'Superior' or 'Con-Principal,' while the students continued under the immediate government of an 'internal Principal,' elected by themselves with the consent of the 'external Principal[3].' The Halls died out at Cambridge before the close of the sixteenth century[4].

William of Kilkenny's bequest, 1256.

In the year 1256 William of Kilkenny, Bishop of Ely, died, leaving a benefaction singularly like the bequest of Alan Basset at Oxford a few years before. He gave 200 marks to the Prior of Barnwell on condition of his paying a stipend of 10 marks annually to two Priests studying Divinity in the Cambridge Schools, who were also of course to say mass for the Bishop's soul[5]. At

[1] See the thirteenth-century Statute printed by Mullinger, I. p. 639.

[2] A Statute—probably of this date—gives the Chancellor power to visit Hostels and remove an incompetent Principal, but provides that 'alium principalem sociis ejusdem hospitii . . . eligendi libera facultas maneat' (*Documents*, I. 316).

The same Statute forbids students 'alibi in villa quam in aula vel hospitio sub magistro vel principali moram facere.'

[3] See the testimony of Dr. Caius. *Hist. Cant. Acad.* p. 49; Willis and Clark, I. p. xxi; II. p. 417.

[4] Seventeen lasted to Caius' time; for a list of twenty Hostels, see his *Hist. Cant.* p. 47; Willis and Clark, I. p. xxv.

[5] Bentham, *Hist. and Antiq. of Ely* (Norwich, 1812), p. 149; *Hist.*

Cambridge, however, as at Oxford, the earliest patterns of actual collegiate life were supplied by the Mendicants. The Franciscans came in 1224 or 1225 and established themselves in the Old Synagogue, whence fifty years later they moved to the site now occupied by Sidney Sussex College[1]. The Preachers did not arrive till 1274[2]. In the course of the century Friars of the Sack, Friars of Blessed Mary and Carmelites, Augustinians and Canons of Sempringham, established themselves in Cambridge[3]. The Benedictine students from Croyland and the neighbouring Monasteries appear to have lived in scattered Halls till 1428, when they acquired a permanent College of their own[4], afterwards known as Buckingham College, the site of the present Magdalene.

PETERHOUSE (1284).

An account of the early foundation of the College is contained in Thomas Baker, *Hist. of the College of S. John the Evangelist*, ed. Mayor, I. p. 13 *sq.*

The first secular College at Cambridge was founded after the earliest Oxford Colleges and in avowed imitation of the greatest of them. About the year 1280 Hugh Balsham,

and Antiq. of Barnwell Abbey, in Nichols, *Bibliotheca Topographica Britannica*, pp. 53, 71, App. p. 23; Harleian MS. 7036 (Baker), pp. 29, 37. The case is contemplated 'quod universitas Cantabrigiensis processu temporis dissipetur' (*ib.* p. 38).

[1] *Mon. Franc.* ed. Brewer, I. 10, 17; II. (ed. Howlett) 9, 19.

[2] It appears that Cambridge, as well as Oxford, had its struggle with the Friars, and at about the same time. In the Parliament of 33 Edward I, the University complains that the Preachers and Minors deny the jurisdiction of Chancellor and University, and have cited the Chancellors and Masters to the Roman Court. The answer is 'Non licet summonere aliquem ad curiam Romanam nisi per viam appellationis' (*Mem. de Parliamento*, ed. Maitland, 1893, p. 34). As to the issue, see Cooper, *Annals*, I. p. 70.

[3] The first three are mentioned in 1278–9 (*Rotuli Hundredorum*, II. p. 360; Cooper, I. p. 59); the two last in 1291 (*Hist. of Barnwell*, p. 35).

[4] Wilkins, *Concilia*, III. p. 468; Dugdale, *Monasticon*, ed. Caley, II. p. 123; Reyner, *Apostolatus Ben.* App. p. 176; Cooper, *Annals*, I. p. 179. A bull of Sixtus IV, cited by Willis and Clark, I. P. 1, mentions the surprising fact that the monks of Norwich were in the habit of residing with the seculars of Trinity and Gonville Halls, and sanctions the practice.

CHAP. XII, § 9.

The Hospital of S. John.

Foundation of College.

Bishop of Ely, introduced a body of secular scholars into the ancient Hospital of S. John[1]. The Hospital was in the hands of a body of Regular Canons: and the attempt to unite seculars and regulars on the same foundation appears here, as upon a later and more celebrated occasion, when the experiment was repeated, to have conspicuously failed[2]. In consequence of the 'dissensions' which had arisen, the Bishop in 1284 determined to separate the two bodies and divide the property between them. The Church of S. Peter without Trumpington Gate[3] was impropriated to the Society afterwards known as S. Peter's College or Peterhouse[4], though at first more usually styled 'The Scholars of Ely.'

Certain Hostels near the Church became the habitation of the community: and the existing, though now much altered, hall was built with the Founder's legacy soon after his death in 1386[5]. The House was at first but slenderly endowed with impropriations. In 1307 it obtained the adjoining property, hitherto occupied by the Friars of the Sack (*De Pœnitentia Jesu*), an Order doomed to extinction by the Council of Lyons in 1274[6]. The Bishop appears at first, like most Parisian College-founders, to have reserved to himself and his successors the patronage of his College. In 1338, however, Bishop Simon Montagu resigned this right to the College—a striking illustration of the decisive influence upon the form and structure of our English College

[1] 'Nos igitur attendentes venerabilem patrem Hugonem Elyensem Episcopum proposito laudabili concepisse quod loco fratrum sc̃lariū (i. e. *probably* scolarium) in hospitali suo Sancti Johannis Cantabrigie scolares studiosi subrogentur qui secundum regulam scolarium Oxonie qui de Merton cognominantur in Universitate Cantabrigiensi studentes' (Rot. Parl. 9 Ed. I, m. 28; *Documents*, II. p. 1). Cf. *Harleian MS.* (Baker) 7047, f. 208 *sq.* Prickett and Wright (Fuller, p. 28 *note*) date the foundation in its earliest form from 1257, but do not state their authority.

[2] See above, p. 498.

[3] Rebuilt *c.* 1350, and styled S. Mary's-the-less. It was used as the College Chapel till 1632, though from 1388 there was also an oratory in college. Willis and Clark, I. pp. 40, 50.

[4] Rot. Chart. 13 Ed. I, No. 103 (*Documents*, II. p. 1 *sq.*), and the Register of College Benefactions (*ib.* p. 45.)

[5] Willis and Clark, I. p. 19.

[6] *Ib.* I. p. 5.

system of the epoch-making foundation Statutes of Walter de Merton at Oxford. He reserved to himself, however, the right of admitting the scholars-elect to these places[1]. From this prelate the College received its first extant code of Statutes[2]—a code which was superseded by an emended version confirmed by the same Bishop in 1344[3]. Both codes incessantly appeal to the 'rule of Merton' and are entirely inspired by that model. The College was to consist of a 'Master or Warden' and fourteen Scholars, together with three poor Grammar-boys who were to sing in the College Church and serve the Scholars in Hall or Chamber[4]. The Scholars are to be at least B.A. on election, to proceed to M.A., and then to study Theology; but two may be allowed to proceed in the Canon or Civil Law and one in Medicine[5]. Two or three Scholars at a time may be licensed to study in Oxford—a good illustration of the relative positions of Oxford and Cambridge in the fourteenth century[6]. It is noteworthy that the distribution of Fellowships among particular dioceses dates in the case of this as of many other English Colleges from a comparatively recent period[7]. The full account which has already been given of the Statutes of Merton will dispense from entering in greater detail into the constitution and regulations of Merton's Cambridge daughter.

THE KING'S HALL (*ante* 1316).

The earliest allusion to a body of Scholars supported by the Royal liberality at Cambridge occurs in a writ of 1316, ordering the Sheriff of Cambridge to pay the arrears of their allowances, and to continue the same

[1] Such are undoubtedly the provision of both codes of Statutes (*Documents*, II. pp. 64, 65): as to the earlier practice the only authority appears to be Baker, I. p. 33. The Master was selected by the Bishop from two candidates elected by the Colleges.

[2] *Documents*, II. p. 57 *sq.*

[3] *Ib.* p. 6 *sq.*

[4] *Ib.* pp. 19, 20, 25.

[5] *Ib.* pp. 10, 22, 23.

[6] *Ib.* p. 23.

[7] From the Episcopate of Bp. Richard Redman (*Documents*, II. p. 66).

CHAP. XII, § 9. regularly henceforward[1]. They were then twelve in number and are described as 'children of our Chapel.' They were then, it appears, recruited from the Choir of the Royal Chapel. The King's Scholars had from the first lived together as a community though in hired Hostels. Edward III increased their number to thirty-two, placed the foundation upon a permanent footing, built them a House of their own, and impropriated the Rectory of Northampton to the College[2]. Richard II gave them a body of Statutes[3]. A remarkable feature of these Statutes is the introduction of an age-limit: Scholars are to be at least fourteen on admission. The right of appointing the Warden, and the right of Visitation were at first reserved to the Crown; but the latter was transferred by Henry VI to the Provosts of King's and Eton[4]. It is said that this is the College which, under the name of Solar Hall, has been immortalized by Chaucer in the Reeve's Tale. In the reign of Henry VIII the foundation was swallowed up in the great College, whose excessive size and predominance have been from that time to the present such unfortunate features of Cambridge life.

MICHAELHOUSE (1324).

An account of the College is given by Mullinger, I. p. 234 *sq.*, who prints the Statutes in an Appendix.

Another Cambridge College which no longer retains a separate existence was known as Michaelhouse and

[1] *Documents*, I. p. 66. In the Parliament of 33 Edward I, the King is petitioned 'quod ipse velit esse fundator unius domus quam eadem Universitas ordinavit pro pauperibus scolaribus in eadem Universitate commorantibus sustentandis,' and praying for a licence of Mortmain; in reply to which an inquisition *ad quod damnum* is directed. *Mem. de Parliamento*, p. 33. I cannot say whether the King's Hall was in any way the outcome of this petition.

[2] Rot. Pat. 11 Ed. III, p. 3. m. 24, which founds (as if *de novo*) a College of thirty-two Scholars to dwell together in the King's House near the Hospital of S. John. At the same time they are granted the Church of S. Peter, Northampton. Cf. Willis and Clark, II. p. 682 *sq.*; *Documents*, I. p. 67 *sq.*

[3] Printed in Rymer, III (1740), pt. iii. p. 94.

[4] Rot. Pat. 26 Hen. VI, p. 1. m. 12.

was founded by Hervey de Stanton, Chancellor of the Exchequer and Canon of York and Wells, in 1324[1]. As Balsham's scholars were intended to serve the Church of S. Peter, so the 'Scholars of S. Michael' were attached to the Church of that name, a connexion which no doubt explains the provision—unusual in the early Colleges—that all the students were to be 'Priests or at least in holy orders' when admitted: all the Fellows in Priest's Orders are styled 'Scholar Chaplains.' All were to study Theology[2]. The Chancellor of the University was made the ordinary Visitor of the House with a power of appeal in difficult cases to the Bishop of Ely. The Statutes given by the Founder are preserved and are earlier than the extant Statutes of Peterhouse[3]: they are not detailed in their provisions and show no marked traces of the Mertonian influence, though the College-constitution is on the Mertonian model. The individual existence of Michaelhouse was eventually extinguished in the great College which that munificent donor of other people's property, King Henry VIII, erected upon the ruins of more than one earlier foundation.

UNIVERSITY OR CLARE HALL (1326).

This College derives its present name from Elizabeth de Burgh, Countess of Clare, and grand-daughter of Edward I. She had inherited all the family estates through the death of her brother, Gilbert de Clare, Earl of Gloucester and Hereford, who fell at Bannockburn[4]. But the work of the Countess was merely an additional endowment

[1] Rot. Pat. 17 Ed. II. p. 2. m. 12, and 1 Ed. III. p. 1. m. 24.

[2] Mr. Mullinger (I. p. 234) states that Fellows have to be on admission 'at least Bachelors incepting' in Arts; this can hardly be got out of the words 'et qui in artibus incipere teneantur' (*ib.* p. 641), which mean merely that if not M.A. they must go on to that degree, and then apply themselves to Theology.

[3] Printed by Mullinger, I. p. 640 *sq.* Most of the documents are copied in a book known as the Otryngham book, compiled by a Warden of that name (1427–1433), now in the possession of Trinity College. See Willis and Clark, II. p. 669.

[4] Cooper, *Memorials*, I. pp. 25–30.

CHAP. XII, § 9. of a small College known as 'University Hall,' which the University itself had founded by Royal licence in 1326. This community certainly came into existence, but we hear no more of its history till in 1336 Richard de Baden, Chancellor of the University, described as 'Founder, Patron, and Advocate of the House called the Hall of the University of Cambridge,' grants all his rights in it to the Lady Elizabeth, in consideration of an advowson bestowed by her on the College. The rights thus bestowed upon the Countess were the 'advocacy' (or advowson) and 'patronage' of the College[1]. The object was evidently to make her the titular Foundress, and from her no doubt most of the endowment was derived; but nevertheless there was no real breach of continuity, and the College must be considered to date from 1326. The Statutes were based on those of Michaelhouse[2]. By the Statute issued by the Foundress in 1359 the 'perpetual Fellows and Scholars' were to be, when the funds permitted, twenty in number, of whom six must be Priests. Two might study Civil Law, one Canon Law, and one Medicine: the rest were to be Artists or Theologians. The Statutes were approved by the University, and the Chancellor continued Visitor of the re-constituted College. A new Code of Statutes received the confirmation of Boniface IX in 1401[3].

PEMBROKE (1347).

The *Documents* (II. p. 189 *sq.*) print only the Royal Licence for the foundation (Rot. Pat. 21 Ed. III, p. 3. m. 9), and the Statutes as revised in 1844. There are two MS. Codes of Statutes in the possession of the College: (1) the Statutes of 1347 (of which there is a duplicate in the

[1] To speak with Mr. Mullinger (I. 251) of a 'greater liberality in the requirements respecting the professedly clerical element' in the Statutes of this College is (as it appears to me) to put a somewhat anachronistic idea into the mind of a medieval Founder. All the Colleges were designed for ecclesiastics, whether they were required to take holy orders while still in the College or not.

[2] *Documents*, II. p. 117; *Harleian MS.* (Baker) 7029, p. 169.

[3] Vatican Register *De Exhibitis*, f. 46.

University Registry); (a) an undated Code, in all probability of earlier date (see below). I am much obliged to the kindness of the Rev. Dr. Searle, the present Master, and of the Treasurer, Mr. Hadley, for giving me access to these documents. Mr. Mullinger (I. pp. 236, 237) gives extracts from a MS. account of the Foundress by Dr. Ainslie, late Master of the College, which I have also seen. The Statutes as altered by Edward VI's Visitors have been printed in a dateless quarto (after 1733).

The considerable number of Colleges founded at Cambridge in rapid succession towards the middle of the fourteenth century testify to the marked progress of the University at this time. The first of these was Pembroke or Valence S. Mary, founded in 1347 by Marie de S. Paul, otherwise known as Mary de Valence, the widowed Countess of Pembroke, and was designed for twenty-four major and six minor Scholars[1]. Only the former of course were full members of the foundation. All were to study Arts and afterwards Theology, except two Canonists and one Medical Fellow. The College is remarkable as the only College in an English University in which a preference was accorded in the election of Scholars to students of French birth[2]. The provision is accounted for by the parentage of the Countess, who was a daughter of Guy, Count of S. Paul. The earliest extant code of Statutes was no doubt drawn up under the influence of the Countess's Franciscan confessor. The College is placed under the authority of two annually elected, external 'Rectors,' who were to admit the Fellows (elected, however, by the College) and to exercise certain very restricted Visitatorial powers. One of the Rectors was to be taken from the Friars Minor, of whom the Foundress was a great patroness; the other was a secular[3]. This exact provision is found in the Statutes of Balliol College, which, we have reason to believe, were based on Parisian

[1] These places are also spoken of as 'exhibiciones minores.' If not elected 'major scholars,' they were to leave the House when called upon to do so by the Warden and Scholars.

[2] *Documents*, II. p. 197.

[3] A minor peculiarity is the position of the Dean, who is simply 'decanus capelle' (elsewhere 'cantor capelle aut decanus').

CHAP. XII, § 9. models before the date of the characteristically English Rule.

This provision disappears in another Code of Statutes, in the possession of the College, which is distinctly stated to have been issued in 1347. There is nothing decisive to show which Code is the earliest, but the Statutes would be more likely to be assimilated to the ordinary Cambridge type after a short experience of their working than so unusual a feature as the supervision of the two Rectores to have been introduced at a later period. Moreover, on the latter supposition there would be no evidence to show how the College escaped, as it undoubtedly has escaped, from the tutelage in which it was placed by the Foundress[1]. There is indeed no evidence that the undated Code was ever in force.

GONVILLE (1348).

A paper entitled *Stabilitio Fundacionis per Rēv. Patrem Dnm̄. Willm̄. Bateman. Norwici Episc.* exists among the Baker MSS. at Cambridge (XXIX. 271). In *Documents*, II. pp. 213 *sq.*, are printed the Royal Licence to Gonville (Rot. Pat. 22 Ed. III, p. 1. m. 33), Bp. Bateman's Statutes, and some brief 'Annals' by Francis Blomefield. There is a MS. History (*Annales*) of the College by Dr. Caius in the College Library, for access to which and to some other MSS. I am indebted to the Rev. E. S. Roberts, President of the College.

In the year 1348, a College for twenty Scholars in

[1] Mr. Mullinger (I. p. 237) says: 'The preamble in Heywood, *Early Statutes*, p. 179, and that in *Documents*, II. 192, are calculated to give the impression that the Statutes of 1347 are still extant, but such is not the case. "Although no copy of them is extant," says Dr. Ainslie, "yet it is certain that they were enacted in the year 1347, since the revised copy of Statutes, by which they were superseded, though itself wanting in date, explicitly states that fact. The document containing the revised Statutes is in the form of an indenture,"' &c. I am at a loss to understand these remarks. I have seen both Codes in the College Treasury—(1) the Code of 1347, which is distinctly so dated, and (2) the undated Indenture, which I take to be the earlier of the two. Dr. Ainslie rightly treats the Indenture as the earlier, but seems to have in some way misunderstood the preamble of the 1347 Statutes. Mr. Mullinger appears (1) to take the first of these documents for the Statutes of 1366, and (2) to assume that the Indenture belongs to some period later than 1366. It is likely enough that the Bishop or the University (both of them confirmed the dated code) objected to the Rectors. There is a blank after 'hiis testibus,' and the Indenture may never have been executed.

Arts and Theology was founded by Edmund Gonville, sometime Vicar-General of the diocese of Ely[1]. It is characteristic of the difference between the great national University of Oxford and the more local reputation of Cambridge, that nearly all the Colleges in the latter, down to the period of the reaction against Wycliffism, were founded by persons closely connected with the eastern Counties. The original Founder of Gonville Hall died a year after its first Statutes were promulgated (1350), and the College was left very inadequately provided for. The completion of the work was taken up by his executor, William Bateman, Bishop of Norwich, a distinguished Cambridge Canonist from the Court of Avignon, by whom the Statutes were remodelled with a view to the encouragement of his favourite studies[2]. The Scholars, after completing their necessary Regency in Arts, were henceforth free to betake themselves to Theology or to the Canon and Civil Law: two might choose the Faculty of Medicine[3]. At the same time the House was re-christened as the 'College of the Annunciation.' Soon after this second foundation (1352) the site of the College was moved from its original position in Luttburgh Lane, now known as Free-school Lane, to its present habitation, hitherto belonging to the Founders of Corpus, near the other foundation of Bishop Bateman, of which we have next to speak[4]. The College, originally consisting of a Warden and four Fellows, grew by successive benefactions, and now bears the name of 'Gonville and Caius College,' after its refoundation in 1558 by Dr. John Caius, the celebrated Physician of Henry VIII, and the earliest of Cambridge Antiquaries[5].

[1] *Documents*, II. p. 367.

[2] The deed of foundation, dated 1351, is in Ely Reg. Thomas de Insula, f. 45 *b*.

[3] *Documents*, II. p. 226.

[4] The original site was sold for the building of Corpus Christi College in 1353. Willis and Clark, I. p. 243.

[5] Rot. Pat. 4 and 5 Phil. and Mary, p. 7. m. 3 (41); *Documents*, II. p. 215.

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TRINITY HALL (1350).

The Deed of Foundation and Founder's Statutes are printed in *Documents*, II. p. 415 *sq.*

Already, before taking up the unfinished work of Gonville in $13\frac{4}{5}\frac{9}{0}$, Bishop Bateman had become the Founder of a College which he intended to be called 'The College of the Scholars of the Holy Trinity of Norwich.' It is probable that he had already established his scholars in a Hostel hitherto occupied by scholar-monks from Ely[1]. Here the Bishop was free to carry out his own ideas unfettered by the wishes of another patron. The College was designed entirely for the study of the Civil and Canon Law. The Scholars were to be at least B.A. on admission; and of twenty Scholars, ten were to be Legists, and seven Canonists (who were to take Priest's orders), though a Doctor of Canon Law might remain in the College with a view to graduating in Theology. But the endowments of the College were never sufficient to provide for this number[2]. The most noticeable feature of Bishop Bateman's Statutes is the liberality of his allowances and the sumptuousness of his domestic arrangements. While the annual allowance of a Fellow of Merton or Peterhouse was but fifty shillings, the budding lawyer of Trinity Hall received (according to his degree) from six to ten marks, besides certain special distributions on festivals, so that a Doctor-fellow might be in receipt of nearly three times the income of a Scholar of Peterhouse. Clearly Bishop Bateman, at all events, did not intend his Fellows to be either paupers or ascetics. A similar liberality, suitable to the superior social position of a Canonist, is evident in the

[1] Willis and Clark, I. pp. 210, 237.

[2] There are said to have been only three Fellows and three Scholars for more than a century after the Founder's death. Willis and Clark, I. p. 217. The College used the Church of S. John the Baptist till 1445, when an 'Aisle' was built for it in S. Edward's. *Ib.* p. 220. In 1481 a Bull of Sixtus IV permitted Benedictine monks of Norwich to live in either of Bp. Bateman's colleges. *Harleian MS.* (Baker) 7031, p. 239.

establishment provided for by the Founder, which consisted of a 'Dispenser' or Steward, a Baker (who also acted as Brewer), a Cook, an assistant to the Baker, and an assistant to the Cook. The Visitation of the College was entrusted to the Chancellor of the University, who was required in certain cases to act with the concurrence of the Rectors of the University and two Doctors. This regulation as to visitation, it may be convenient to add, is substantially the same at Gonville, Corpus Christi, and Clare [1].

CORPUS CHRISTI (1352).

The *Historiola Collegii Corporis Christi* by JOSSELIN (Latin Secretary to Abp. Parker) has been edited with some documents by Mr. Clark (*Camb. Ant. Soc.* 8°. *Publications*, No. xvii, 1880). This is the foundation of the elaborate *History of Corpus Christi College* by MASTERS (a former Master), Cambridge, 1753, and ed. Lamb, London, 1831. By the courtesy of the present Master, the Rev. Dr. Perowne, I have been allowed the use of the original Statutes of 1356. Large extracts are printed in Masters' *Appendix*, p. 11. They are based on the Statutes of Michaelhouse. Only the Royal Licence and the Statutes as revised in the time of Edward VI are printed in *Documents*, II. p. 445 *sq.*

Although both of Bishop Bateman's foundations were completed after the date of the Black Death, there is no ground for supposing that the great Canonist was influenced either by any special religious zeal (except that zeal for ecclesiastical interests and that anxiety for his own soul which influenced all such foundations) or by any special desire to fill up the ranks of a clergy among whom (it is sometimes asserted) the ravages of the plague had been peculiarly appalling [2]. The latter was, however, the declared motive of the Founders of the College now known as Corpus Christi, though long more usually styled Benet College. The same great calamity was, no doubt, one of the inspiring motives of the numerous foundations which had their origin at this period, both at

[1] *Documents*, II. pp. 230, 231, 123, 128, 448.

[2] The impression *may* have arisen simply from the exacter statistics available in their case. See Gasquet, *The Great Pestilence*, London, 1893, p. 75.

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Cambridge and at Oxford [1]. As its now prevailing name denotes, S. Benet's College was founded, in 1352, by one of the religious and charitable Guilds of the Middle Ages—the Guild of 'Corpus Christi and the Blessed Mary' in the town of Cambridge. It was situated near the Church of S. Benet, which was impropriated to the College and served by its members [2]. The original Master and Fellows (only two in number [3]) continued to perform all the duties of Chaplains to the Guild; that is to say, they officiated at the obsequies of its members. It was perhaps in consequence of this position that we find the Fellows bound by the wholly unusual obligation of saying the canonical hours daily. The College was gradually enlarged through successive benefactions by private individuals. The Alderman and six brethren of the Guild conducted an annual visitation of the College in conjunction with the Chancellor of the University.

GOD'S HOUSE (1441–2).

God's House, founded by William Byngham, Rector of S. John Zachary in London, forms the solitary instance in the English Universities of a College exclusively devoted to the study of Grammar. It was not, however, intended for mere Grammar-school boys before their entering upon the Arts course, like the colleges for Grammarians at Paris. It was designed as a nursery of Grammar-school Masters,

[1] See Preamble to the Statutes of Clare, New College, and even of King's. The formula survived its justification.

[2] The Statutes begin: 'Nos Henricus Dux Lancastrie Aldermannus et confratres Gilde Corporis Christi et Beate Marie Cantabrigie.' Mr. Mullinger (I. p. 447) makes two distinct Guilds, but the *Historiola* (p. 3) shows that they were amalgamated for the purpose of undertaking the building of a college. See the Royal Licence in Masters (1753), App. p. 4. The scheme had been begun by the Guild of Corpus Christi in the years 1342–47.

[3] The number is to be increased with the increase of revenue. The basis of the foundation was supplied by a legacy for a Chaplain already bestowed upon the Guild of S. Mary. Masters, App. p. 2.

and may fairly claim to be the first training or normal School on record. In the Founder's petition to the King for leave to establish the House, it is recited that the petitioner had himself 'founde of late over the last parte of the way ledyng from Hampton to Coventre and so forth, no ferther north yan Ripon, seventie Scoles voide, or mo, yat were occupied all at once, within fiftie years passed, because yat yere is so grete scarstee of Maistres of Gramar [1].' Here we have presented to us one of the effects of the strange intellectual decadence of that fifteenth century of whom there are so many other indications. William Bynghamʼs scheme seems to herald the age of reformed Grammar-schools. It may be noted as more than an anticipation—as an actual indication—of the growth, not indeed of the New Learning, but of that humbler movement towards an improvement in grammatical teaching, which is traceable in many educational efforts of the later Middle Age, and which did in time prepare the way for the New Learning itself. At the same time, like many other reforming movements, it began long before the tendency against which it was a reaction had reached its culmination. The Old Learning did not reach its lowest depth till long after the rise of the New. The general tone of the Universities continued to treat Grammar with contempt, and the general level of Latinity continued to be low, in spite of such efforts towards better teaching of Grammar as are represented by the foundation of Winchester and of Eton, of God's House at Cambridge and Magdalen College School at Oxford [2]. The history of God's House is, however, shorter than that of the foundations with which it has been associated, since in 1505 it was absorbed in the Lady Margaret's foundation of Christ's College. While it existed, it consisted of a Proctor and twenty-four scholars, who

[1] *Documents*, III. p. 153 *sq.*, where also the Charters are printed. Cooper places the petition in 1439 (*Annals*, I. p. 188), and a Royal Licence was granted in the same year (*Documents*, I. p. 42), when the establishment seems to be already in working order.

[2] Cf. above, p. 514.

CHAP. XII, § 9. were to be trained as Grammar Masters and then sent out to teach country Schools. Though it constituted a separate College, it was placed under the government of the Master and Fellows of Clare Hall, to whom the power of framing the Statutes was given by the Royal Charter.

Its original site was part of what is now the Ante-Chapel of King's, from which it was transferred in 1446 to the ground now occupied by the College which has taken its place [1].

KING'S COLLEGE (1441).

There is a notice of William Millington, the first Provost, by George Williams, in *Camb. Ant. Soc. Communications*, vol. I. p. 288 (1859). A *Catalogus Alumnorum*, &c., appeared in 1730 (Etonæ); also 1740 and 1774. The Statutes and Charters have been edited by HEYWOOD and WRIGHT (*The Ancient Laws of the fifteenth century for King's College, Cambridge*, London, 1850).

Object of foundation.

It has already been observed that the reaction against the ingrained Wycliffism of Oxford was at least one of the causes which attracted Royal patronage to Cambridge. Oxford being regarded as hopelessly infected by traditions of heresy (however thoroughly its outward manifestations might have been suppressed) it was thought that in Cambridge a new School of the Church might be raised up to rival or supplant that 'second School of the Church' which had so grievously fallen from her first estate. The most conspicuous manifestation of such a design is the foundation of King's College by Henry VI in 1440, originally known as the College of S. Nicholas. The piety or ambition of an ecclesiastically-minded king was fired by the desire to rival William of Wykeham's magnificent foundations at Oxford and Winchester: the suppression of the alien Priories decreed by Parliament in the preceding reign and carried out in his own provided a convenient

[1] *Documents*, III. p. 163.

means of carrying out the project[1]. The mere desire to found a College where the ground was less preoccupied may have had something to do with the selection of Cambridge rather than Oxford as the site of the King's College of our Lady and S. Nicholas, to which the College of Eton, newly erected hard by the Royal Castle of Windsor, was to occupy the same relation that S. Mary's College at Winchester bore to Winchester College in Oxford. The exact numbers of the two new foundations[2], the intimate bond existing between them, and every detail in their organization, faithfully reproduce the splendidly original design of Wykeham. The Statutes of King's College are almost a transcript of those of New College, reproducing even the now meaningless statement that the College was designed to repair the ravages of the Black Death of 1348. As in other respects, so in the history of its College Architecture the foundation of King's introduced at Cambridge the new era inaugurated by New College at Oxford: it is the first College in which architectural magnificence forms a prominent feature of the Founder's aim. In the magnificent scale of its Chapel the imitation has surpassed its model: King's College Chapel—begun by Henry VI, continued by Henry VII, and completed by Henry VIII—fitly symbolizes the entrance of Cambridge upon that period of her existence in which she was for the first time fairly on a level with her elder sister, and during a great part of which it was true that 'in intellectual activity and readiness to admit improvement, the superiority was . . . on the side of the less ancient and splendid institution[3].'

Imitation of New College.

In one respect Henry VI endeavoured to do more for the honour and glory of his new foundation than William of Wykeham had been able to effect for New College. He

Special privileges.

[1] The successive Royal grants of the confiscated property in *Documents*, I. p. 43 *sq.*, among other feudal privileges, confer the right of having gallows on their manorial lands. Rot. Chart. 21–24 Hen. VI. No 4.

[2] By the existing Statutes: the original foundation was only for a Rector and twelve Scholars.

[3] Macaulay's *Essay on Bacon*.

CHAP. XII, § 9. obtained a Papal Bull exempting the College not only from Archiepiscopal and Episcopal jurisdiction, but also from that of the Chancellor of the University. And the University itself in $144\frac{8}{9}$ accepted this exemption on two conditions, (1) that the members of the College should remain subject to the Chancellor and Proctors in respect of the performance of academical acts and exercises, though free from their judicial and disciplinary authority, (2) that the whole agreement should be void if the Bishops of Salisbury, Lincoln, and Carlisle should pronounce it inconsistent with the 'statutes, privileges, and laudable customs of the University[1].' We are not told what was the ruling of these prelates. But these anomalous privileges seemed so outrageous even to those who were to benefit by them that they induced the resignation of the first Provost, William Millington, and led to a period of strife and confusion which was only ended in $145\frac{6}{7}$ by an agreement between the College and the University, which reserved to the College only the jurisdiction over the foundationers, their tenants and servants, in civil or criminal cases arising out of acts committed within the College, including Probate and Administration[2]. The privilege of the College in matters testamentary was exercised up to the end of the last century. The College was placed under the visitation of the Bishop of Lincoln[3].

[1] Cooper, *Memorials*, I. 192; Hare MS. II. 139.

[2] Rot. Pat. 35 Hen. VI. p. 2. m. 14 Hare MS. II. f. 141 *b*; Cooper, *Annals*, I. p. 207. In 1454 the University had refused to admit King's men to degrees without their renouncing all privileges as well as swearing obedience to the Chancellor 'simpliciter.' See Baker MS. at Camb. vol. 25. pp. 447–8. Mr. Mullinger (*Cambridge*, I. p. 311) appears to me mistaken in tracing the exemption of King's men from the necessity of supplicating for degrees to this somewhat equivocal 'victory.' There is no more trace of this 'privilege' at King's than at New College till a much later period. See above, p. 507.

[3] Among its exceptional privileges were the power to create a Notary Public, and licence to the Provost or a Fellow named by him to hear the confessions of all comers. *Camb. Ant. Soc. Communications*, III. p. 49.

QUEENS' COLLEGE (1448).

The History of Queens' College by W. G. SEARLE (*Camb. Antiq. Soc.* 8°. *Publications*, Nos. IX and XIII, 1867 and 1871) is the most careful and complete history of a Cambridge College which has yet been written. I have been allowed, by the kindness of the Rev. J. H. Gray, to see a copy of the original Statutes. The binding attributes them to Henry VIII and the year 1529, but this is hardly borne out by their contents. They purport to emanate from Elizabeth Woodville, and the educational provisions can hardly be as late as 1529. They may have been very slightly altered in that year.

In 1446 Henry VI issued a Charter founding a College of S. Bernard for a President and four Fellows[1]. It was re-founded on another site—that of the present Queens' College—in the following year[2], while in 1448 its Charter was again cancelled, and a new one issued by Queen Margaret of Anjou, who had petitioned her husband to be allowed to become Foundress and Patroness of the College[3]. The College now bore the style of the Queen's College of S. Margaret and S. Bernard, but in 1475 was again re-founded by another Queen, Elizabeth Woodville, once maid-of-honour to the fallen Margaret, and now Consort of Edward IV, who aspired to the position of Patroness and Co-foundress of the Society, henceforth known as the Queens' College[4]. It appears, however, very doubtful whether these Royal personages gave the College much except patronage—a patronage which (as has been observed) it was at this time the deliberate policy of the Court and its ecclesiastical advisers to extend to Cambridge rather than to the heresy-stained Oxford. The endowments of this College were gradually provided by a number of obscurer persons. The donor of the original site of S. Bernard's—Richard Andrew, burgess of Cambridge—has the best right to the title of Founder, and the gradual enlargement of the very scanty foundation was primarily due to the energy of the first Master, Andrew Doket.

[1] Rot. Chart. 25 and 26 Hen. VI. n. 37; Searle, pp. 3, 4.
[2] Searle, p. 8.
[3] *Ib.* p. 15.
[4] *Ib.* p. 71.

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The earliest extant Statutes appear to be those of the second Foundress, Elizabeth Woodville, but slightly revised under the authority of Henry VIII in 1529[1]. By these Statutes the College was to consist of a President and eighteen Fellows (of whom fourteen were to be in Priest's orders) with four poor scholars, two President's servants, and two cooks[2]. Fellows were to be at least 'Questionists' in Arts at the time of election[3]. All the Fellows (after Regency in Arts) were to study Theology, except two, who were to apply themselves to Civil Law and Medicine respectively[4]. Not more than two Fellows were to be elected from any one diocese (except the diocese of Lincoln, from which there might be three), or more than one from the same county. Provisions of this kind—found in many of the later medieval Colleges—were made (as the Queens' Statutes say) to 'extirpate all partiality of countries' in elections. This is worth noticing as showing that the design of founders was not to restrict, but to extend, the sphere of their liberality, though in practice these restrictions, once really necessary to avoid partiality, have operated in a precisely contrary direction. Certain visitatorial powers—that is to say the deposition of the President—were entrusted to the Vice-Chancellor and one other Doctor or Head of a College.

[1] See the Bibliography.

[2] 'In hoc eodem collegio alantur quatuor scholares indigentes duo seruitores Presidentis et duo coci.' The functions of the Dean are limited to the chapel and its services. There were to be two Censors, who were to preside over disputations and to lecture themselves, one on Logic, the other on Rhetoric. A lecture on 'Rhetoric or Cosmography' was to be given on festivals. One of them was also to give a daily lecture on the Bible or Sentences in the chapel. This last lecture appears to have been founded by some special benefaction. If no one was willing to give it for so small a stipend, he might preach English sermons instead.

[3] The term 'Questionist' is still used for a fourth-year man.

[4] Notice the absence of Canon Law. This, together with provisions for Bible Lectures in College and divers English sermons to be preached by the Fellows, is a remarkable indication of a reforming spirit, if really belonging to the end of the fifteenth century. They may, of course, be due to Henry VIII.

S. CATHARINE'S (1475).

The Charters and original Statutes (which are very short) are printed in *Documents*, III. p. 75 *sq.*; also with an account of the foundation by the Founder, and other documents, in *Documents relating to S. Catharine's College in the University of Cambridge*, by [Bishop] PHILPOTT, Cambridge, 1861.

S. Catharine's Hall was founded by Robert Woodlark, Provost of King's[1]. From whatever source the Provost's income was derived, the fact that the Head of one College should have been in a position to found another is an interesting indication of the growing importance of College-headships and (since Woodlark had begun life as a Fellow of King's) supplies another refutation of the mistaken idea that Colleges were designed exclusively to supply a meagre subsistence to penniless students. The College originally consisted of a Master and three Fellows. All were eventually to study Theology, and were to be at least Bachelors of Arts in minor orders at the time of election[2]. The College was actually erected, and the Fellows 'entered upon commons' in the year 1473, but the Royal Charter was not issued till 1475. In the Founder's Statute occurs the provision that no two persons should be elected from the same county.

JESUS (1497).

SHERMANNUS, *Historia Collegii Jesu Cantabrigiensis*, ed. Halliwell, Londini, 1840.

A great deal of the property of English Colleges is derived in one way or another from monastic sources. Whatever may be thought of the way by which, in other instances, monastic property was diverted to educational

[1] There is an account of his life by Archdeacon Hardwick in *Camb. Ant. Soc. Commun.* vol. I. (1859), p. 329.

[2] 'In ordine sacerdotii vel infra sacros ordines ad omnes minores constituti' (printed by Bp. Philpott 'ad omne minus!'). The Charter speaks of three Fellows; Woodlark himself speaks of it as 'fundata super uno magistro et *decem* sociis' (Philpott, p. 6).

CHAP. XII, § 9. purposes, it will be difficult to construct an apology for the nuns of S. Rhadegund's, one of the earliest of Cambridge Religious Houses. We are told that the Nunnery had become corrupt and dissolute 'by occasion of its neighbourhood to the University'—a moral degradation which had apparently carried with it the pecuniary ruin of the House, in which by this time but two sisters survived[1]. In 1497, John Alcock, Bishop of Ely, the Patron of the Convent in right of his See, procured the dissolution of the House by Royal letters patent. If we may trust the extant Statutes, the College was intended primarily for 'the study of Grammar, Rhetoric, Logic, Mathematics, and Philosophy'—an enumeration which (whether due to the original founder or to his sixteenth-century successor) reminds us that we have now arrived at the period of the New Learning, and that with Jesus our enumeration of Cambridge Colleges must cease.

[1] 'Redditus possessiones edificia necnon res bona jocalia et alia ornamenta ecclesiastica eidem domui sive prioratui pie et caritative antiquitus data et collata per negligenciam atque improvidam et dissolutam disposicionem et incontinenciam occasione vicinitatis universitati Cantebrigiensi . . in tantum dilapidata . . existunt' etc. (*Documents*, III. p. 91). This impeachment of the nuns is supported by a contemporary Cantabrigian, John Major, *Hist. mai. Brit.* (1521) f. viii. The timely suppression of the Nunnery has saved the beautiful Norman Church which still forms the College Chapel.

CHAPTER XIII.

THE NUMBERS IN THE MEDIEVAL UNIVERSITIES.

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IT has seemed advisable to bring together in a single chapter such information as we possess with respect to the numbers of the medieval Universities at different times. Exact data on the subject only appear at a comparatively late period. The great northern Universities kept no official records of students' names. At Bologna they are not preserved. Actual Matriculation-books are only available for the latter half of our period and for some of the smaller Universities. As to the population of the great parent Universities at the most flourishing period of their history we possess only a few *obiter dicta* of medieval writers. It will be well first to collect the most famous of these statements and then to institute a critical inquiry as to their value.

Odofredus.

The Jurist Odofredus, writing in the middle of the thirteenth century, tells us that at the end of the preceding century there had been 10,000 students at Bologna[1].

Richard of Armagh, Wycliffe, and Gascoigne.

At Oxford we have the still more celebrated statement by Richard FitzRalph, Archbishop of Armagh, that there had once been 30,000 students there, though he admits that in his own time they had fallen to less than 6000[2]. Some twenty years later Wycliffe declares that there had once been 60,000 scholars, while now there were less than 3000[3]. Gascoigne again tells us that he had ascertained from the 'rolls of the ancient Chancellors' that before the great plague there had been 30,000 students in Oxford[4]. No such 'rolls' now exist, and it is likely enough that what Gascoigne saw was simply a transcript of FitzRalph's plea on behalf of the

[1] See above, vol. I. p. 18a, n. 2.

[2] *Defensorium Curatorum*, in Browne, *Fasciculus rerum expetendarum et fugiendarum*.

[3] *De Ecclesia* (ed. Loserth, Wyclif sor., 1886) p. 374.

[4] *Loci e Libro Veritatum*, ed. Rogers, p. 200.

CH. XIII. University, or a conjectural estimate of a similar character, whether made by FitzRalph himself or some other Chancellor.

Emigration from Prague.

In 1408 we have the alleged emigration of 2000 German students from Prague, a number which in some chroniclers swells to 5000[1].

Medieval exaggeration.

In estimating the value of these and similar statements two or three *a priori* considerations should be borne in mind. In the first place, the medieval mind was prone to exaggeration, especially where figures are concerned. It delighted in good round numbers, and was accustomed to make confident statements entirely without adequate data. A familiar instance is the celebrated occasion when an English Parliament made a money-grant based upon the supposition that the country contained more than four times the actual number of parishes[2]. Then it will be observed that the most surprising statements as to Bologna and Oxford are not contemporary estimates: they relate to what their authors were evidently disposed to look upon as an heroic age: the medieval was always a *laudator temporis acti*. In the most astounding case of all—that of Oxford—FitzRalph had a direct motive for exaggeration. He was anxious to prove that the University was being depopulated in consequence of the kidnappings of the Friars, which made parents afraid to send their children to Oxford. Hence the only part of the Archbishop's testimony which merits serious consideration is his statement that there were 6000 students, or something less, in his own day[3], and even this is seriously discounted by Wycliffe's estimate of 3000. The exceedingly narrow limits of the area inhabited by scholars in medieval Oxford make even this reduced figure somewhat difficult of acceptance. Odofredus again evidently implies

[1] See above, p. 226.

[2] Stubbs, *Const. Hist.* II. pp. 422-23.

[3] There is a still more extravagant estimate in Rishanger for the year 1264: 'Erat enim clericorum numerus, quorum nomina scripta fuerant in matriculis rectorum, excedens .XV.M. multis fidedignis [*sic*] hoc idem referentibus' (*Chronicon*, ed. Halliwell, Camden Soc. 1840, p. 22). 'Rectores' must here mean 'magistri regentes.'

that he estimated the numbers of Bologna in his own day at something considerably below the heroic 10,000. As to Prague, there is reason to believe that the bulk of the expelled Germans went to Leipsic, and Leipsic opened with a membership of less than 500. It is obvious therefore that these high figures must be very largely reduced. It would be impossible of course *a priori* to say to what extent they should be reduced. But we shall be fairly safe in saying that they cannot be taken as even *prima facie* evidence for more than half the population to which they ostensibly testify. On that view we should ascribe to Bologna a student-population of about 5000, and to Oxford of at most 3000. If we assume that the Bohemians left at Prague equalled the truant Germans, this will give us about 2000 for Prague in 1408. It is not likely that they exceeded 3000.

Contemporary statements as to Oxford.

With regard to Oxford it is possible to confirm this correction by more moderate contemporary statements. We have already noticed the 3000 students who are alleged to have left Oxford in 1209[1]. In 1298 there took place one of the most memorable of the great encounters between Town and Gown in the streets of Oxford. The burgesses, in their subsequent petition against the University, allege that the attack upon them was made by '3000 clerks or more[2], or, according to another version, only 1500 clerks. The occasion was a regular pitched battle between the opposing forces, at which few would be likely to be absent. At all events the burgesses would be likely to put the number as high as the known population of the University would render credible. Our conjectural halving of the Archbishop's numbers as an outside limit is thus confirmed. The 3000, if not the 1500, would no doubt include many scholars' servants, who were always to the fore on these occasions. We have seen reason to conjecture that in 1315 the Royal officials put the number of actual

[1] See above, I. p. 348.

[2] 'Bien treys mil clers ou plus' (Archives, Y. 12). Another document in the same bundle has, however, 'bien mil e cink cents clers'—which illustrates the loose medieval way of dealing with numbers.

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scholars at 1500. We thus get 1500 as the lowest, 3000 as the highest estimate of the student-population of Oxford. There may well have been a slight increase between 1315 and the Black Death of 1348: but we shall be safe in assuming that the numbers could at no time have exceeded 3000, and were probably always much below it.

Graduation at Paris.

It will now be well to turn to Paris. It is not till the end of the fourteenth or the beginning of the fifteenth century that we get actual records of the number of graduations at Paris or elsewhere. The register of the English Nation, indeed, dates from 1333, but that by itself will hardly help us to an estimate of the total numbers. In the fifteenth century we have the registers of the other Nations. If we confine ourselves to the Nation of France[1], we find that in the year 1450 there were conferred 156 Bachelor's Degrees and 111 Licences. The numbers fluctuate to a surprising extent; in the year last mentioned they are exceptionally high. The year 1447 with 135 Bachelors and 81 Licences is a more normal one.

Total numbers at Paris.

If we assume that four years was the average time of residence before Licence, 80 Licences will represent 320 students who will eventually obtain the Licence. From a comparison between the numbers of Determinations and of Matriculations at Leipsic, Paulsen estimates that between one-fourth and one-third only of those who matriculated ever took the Bachelor's degree[2]. But at many of the German Universities a number of mere schoolboys and graduates of other Universities resident in the town were placed upon the Matricula[3]. At Paris, considering the number of students who came from other Universities, it is not improbable that at least half the students who matriculated in Arts must have eventually become Bachelors. 135 Bachelor's Degrees will represent

[1] Register in the Archives at the Sorbonne.

[2] Sybel's *Historische Zeitschrift*, T. 45. p. 293 *sq.* Only $\frac{1}{10}$ to $\frac{1}{12}$ proceeded to the licence.

[3] Grammar students are excluded from the following computation. If they are to be included we must add at least another 1000, perhaps 2000.

about 270 Matriculations in one year. Of these 270, 80 will proceed to the M.A. For the remaining 190 three years will be a high average of residence. Thus we get 570 students who will not proceed to M.A. to be added to the 320 who will take that degree. That is to say, we get about 890 as the number of students in the French Nation at one time. We may compute the proportion of French students to those of other Nations from the fact that candidates were usually sent to be licensed in batches of eight, each of which contained three Frenchmen, two Normans, two Picards, and one Englishman or German [1]. If we assume that students from a distance would be rather more likely to complete their course than those from the country round Paris, it will perhaps be enough to double the number of French students to give us the whole number of students in Arts at one time. That number will be some 1700 students: 1000 will be an outside number to add for the Masters and the students of the superior Faculties residing longer than the period allowed above for graduation in Arts. This calculation will give us something over 2500 students for the total membership of the University at this period [2]. A slightly higher estimate is suggested by a recently published list of those who paid the *bursa*, a tax imposed by the University on all its members in 1464 [3]. The names of about 2300 students are actually recorded; but the MS. is imperfect, and it is calculated that the whole list originally contained some 3000 names. To these a small number ought possibly to be added for poor students who may have been excused payment, and for the non-graduate Religious students, who were not technically members of the University, and would therefore not appear in these lists.

[1] Bulæus, IV. 112; *Chartul.* T. II. No. 1012. Sometimes the proportion could only be kept by sending up members of other Nations as *Anglisati*, &c.

[2] This calculation was made before the facts mentioned in the next sentences became known to me.

[3] The document is published by Dr. Max Spirgatis, *Personalverzeichniss der Pariser Universität von* 1464, Leipzig, 1888 (*Beihefte zum Centralblatt für Bibliothekswesen*, No. I).

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Paris in thirteenth century.

There can then be little doubt that the academic population of Paris in the fifteenth century could not have ever exceeded some 3500, if we include the students of the Religious Houses. The question now arises, 'Is there any reason to believe that at an earlier date the numbers were larger?' When we remember the numerous Universities which sprang into being in the course of the fourteenth and fifteenth centuries, it is highly probable that at the end of the thirteenth and beginning of the fourteenth centuries the academic population of Paris may have been considerably in excess of 3500[1]. It is useless to conjecture the amount of this excess, but it will be quite safe to assume that the students of Paris can never at any time have exceeded 6000 or 7000. A number not enormously short of this is suggested by the fact that in a single year towards the end of the thirteenth century (about 1284) at least 400 Licences were conferred in the Faculty of Arts[2]—a number far exceeding anything that we meet with in the period of extant Registers[3].

[1] As early as 1316 we find the complaint 'nimium est illa scolarium multitudo contracta et Parisiense studium incredibiliter diminutum' (*Chartul.* T. II. No. 729). Of course, allowance must be made for the medieval belief in a Golden Age.

[2] At S. Geneviève alone. *Chartul.* T. I. pt. i. No. 515. But as the Faculty was at feud with the Chancellor of Notre Dame, it is not likely there were many candidates at the 'inferius examen.' From the same document we learn that there were about 120 Regents. The statement that 4000 clerks (not necessarily all students) were present at the purgation of William of S. Amour, deserves to be noticed. *Ib.* No. 256. High numbers are also suggested by the Statute of 1288, forbidding the Examiners of Determinants to examine more than forty-eight in one month. Bulæus, III. 484; *Chartul.* T. II. No. 544. Another valuable source of information is supplied by the rolls of supplicants for benefices presented from time to time to the Holy See. In 1349, for instance, the roll contains the names of 502 Masters of Arts, together with 32 Masters of Theology, 17 of Decrees, and 46 of Medicine—597 Masters in all (*Chartul.* T. II. Nos. 1162a-1165). Unfortunately we do not know what was the maximum standing of these Masters. Hence it is impossible to determine with any certainty what number of resident students they represent.

[3] 'D'après des calculs précis, c'est à près de cinq mille qu'on peut évaluer, vers 1350, le nombre des maîtres et des écoliers—six cents maîtres et quatre mille écoliers—mais vraisemblablement, dans la première moitié du XIIIe siècle, il ne

Oxford in fifteenth century.

For the fifteenth century at Oxford we get two sources of information: (1) Lists of Determinations and Inceptions; (2) Lists of Halls. The usual number of Determinations in the earlier part of the century was about 40, of Inceptions about 20. Allowing that a third proceed to B.A., we shall get 120 matriculations in the year. The period of residence required for Determination seems, however, to have been practically a good deal longer than at Paris during the same period. Allowing six years for the sixth who incept, four for a sixth who only determine, and three for the rest, we shall get 520 students. If we add 300 for the students in religious houses, the Masters, and the students of the Superior Faculties residing longer than the time required for graduation in Arts, we shall get 820 for the total numbers. The number of Halls existing in 1438 suggests a slightly higher figure. There were at this time seventy-one Halls or students' houses in Oxford [1]. Considering that every house occupied by a single rich scholar and his family would appear in this list, ten will perhaps be a sufficiently high figure to take for their average population [2]. This would give us some 700 students, to which we may add perhaps 300 for the monastic and collegiate scholars [3]. We shall thus get 1000 as the probable number of Masters and scholars. In this very year 1438 the University presented a petition to Parliament in which they declare that of the 'many thousands of students who are reported to have existed in a former

dépassait pas huit à neuf cents' (Gréard, *Nos adieux à la vieille Sorbonne*, p. 14). The first part of this statement agrees fairly with my own estimate (if the Grammarians are excluded): for the thirteenth century I should suggest a much higher figure.

[1] *Mun. Acad.* p. 519 *sq.*

[2] The Statutes of Ingolstadt restrict the number in each Hall to eight or ten, with two poor students as servitors. Prantl, II. 74. But at Rostock there might be thirty or, if there were two Regents, forty. Westphalen, *Mon. ined. rer. Germ.* IV. c. 1027. The Oxford University Register for 1544 (f. 17 b) shows that Hart Hall paid an increased rent if its numbers amounted to thirty. But it is probable that Hart Hall was now larger than the average medieval Hall.

[3] Allowing for a small number of 'Fellow-commoners' or 'Commoners.' There is no reason to believe that the system prevailed to any great extent at this date.

CH. XIII. age, hardly one thousand remained [1].' We shall be allowing its maximum weight to such rhetoric if we take it as evidence of some considerable diminution in the numbers of Oxford. The growing popularity of Cambridge would by itself make this probable. But when we have given its utmost weight to this consideration, these fifteenth-century data will be sufficient to make us feel that in giving 3000 as a maximum for the fourteenth century, we were probably allowing a very handsome margin. The conclusions to which we have come in regard to the more famous Paris, which drew its students from an immensely wider area than Oxford, are another reason for reducing this figure.

German Universities.

It has already been intimated that with regard to the German Universities of the late fourteenth and fifteenth centuries, we have data for a tolerably accurate estimate of numbers. Paulsen arrives at the following results for certain selected periods at which the best information happens to be available. If anything, his estimates are probably too low. On the other hand it must be remembered that they must often include every sort of student down to the merest Grammar-boy:—

Prague 1027 (1380–1389).
Vienna 933 (second half of sixteenth century).
Leipsic 662 (in 1472).
Heidelberg 285 (1386–1550).
Erfurt 506 (to *c.* 1450).
Cologne 852 (1450–1479).
Rostock 350–466.
Greifswald 103 (1465–1478).
Freiburg 143 (1460–1500).
Bâle 280 (1460–1480).

[1] 'Pauci aut nulli ad uniuersitatem accedendi habent voluntatem; unde fit quod aule atque hospicia obserata vel verius diruta sunt; ianue atque hostia scholarum et studiorum clausa et de tot milibus studencium que fama est istuc in priori etate fuisse non (MS. nam) iam unum supersit: at illi qui sane supersunt tedium quam maximum vite habent quod nullum fructum, nullum denique honorem post tantum studii sudorem consecuti fuerint' (From MS. Letter-book F. f. 46 a: printed in Peshall, p. 142).

Bâle 177 (1480–1500).
Tübingen 233 (1477–1527).
Ingolstadt 220 (Foundation . . . –1493)[1].

Results. The results of this investigation may be thus summarized :—

(1) It is improbable that the numbers of either Bologna or Paris can ever have exceeded some 6000 or 7000. At Paris at least it is pretty certain that this limit was approached during its period of highest repute—say, the beginning of the fourteenth century. (If all the Grammar-boys of the City were added, we should possibly have to add some 2000 more.) About the middle of the fifteenth century, however, the number at that University was probably nearer 3000. In Italy the growth of new Universities was so rapid and extensive and the decline in the reputation of Bologna so serious, that neither Bologna nor any one of its rivals can ever have approached the numbers of Paris after an early period of the thirteenth century.

(2) The maximum number at Oxford was something between 1500 and 3000[2]. By about 1438 the numbers had fallen to under 1000.

(3) The numbers of Prague before the German migration in 1409 may have been 3000 or more: Vienna and Leipsic may at one time have had 1000 or 2000[3]. The numbers of the other German Universities during the fifteenth century varied between 100 and 1000, including Grammarians.

(4) We may add that the population of other minor Universities in France and elsewhere, wherever ascertain-

[1] Paulsen, *l. c.* p. 296 *sq.*

[2] These calculations were completed before I noticed that Prof. Thorold Rogers describes the 30,000 as 'ten times more than the possible truth' (*Six Centuries of Work and Wages*, 1884, p. 167), while more recently he says, 'it is probable that the Colleges, Halls, and monastic institutions contained at least 1500 inmates' in 1380-1. *Oxford City Docs.* Oxford Hist. Soc. 1891, p. 7. I am glad to find my estimate on the whole confirmed by a writer who knew medieval life so well. The civic population he estimates from the returns to the poll-tax as between 3000 and 4000.

[3] We have already seen reasons for doubting the enormous numbers ascribed to the migration (above, p. 226).

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able, is always numbered by hundreds and not by thousands: at Toulouse alone there may have been as many as 2000 [1].

At the same time the relatively high and well-ascertained numbers of these and other less famous Studia, at a time when Universities were many, go to confirm the probability that when Paris was the sole or principal place of higher education for a large part of Europe its numbers cannot have fallen *very* far short of 6000 or 7000. This line of argument becomes particularly convincing when we compare Paris with Oxford. Oxford was recruited mainly, if not almost entirely, from the British Islands, and there was another, though considerably less populous, English University within a hundred miles of it. If we compare the population or the number of benefices and other posts to be filled by University men in England with the population or benefices in the enormously larger and more populous area from which Paris drew her students, it is probable that if there were ever anything like 3000 students at Oxford, that figure must be, at the very least, doubled to represent the population of Paris at the height of its fame.

Many converging lines of evidence thus lead us to much the same result. We can say with absolute confidence that there can never have been 10,000 students at Paris: there may possibly have been 7000 without the Grammarians; there must have been something like 5000, a limit which cannot well have been reached by any other University except perhaps Bologna in the course of the thirteenth century [2].

[1] See above, p. 168.

[2] I add two pieces of testimony as to Paris from the new volume of the *Chartularium* (T. III. pp. xvi, xvii): (1) The roll of 1403 contains more than 790 Masters of Arts, all ostensibly present, (2) Rabbanus Çauma, a Nestorian monk in 1287 puts the students at the favourite 30,000.

CHAPTER XIV.

STUDENT LIFE IN THE MIDDLE AGES.

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STUDENT LIFE IN THE MIDDLE AGES.

I PROPOSE in this Chapter to discuss a number of miscellaneous matters connected with the daily life of the medieval student which have not hitherto been dealt with. I shall confine myself for the most part to the Universities of the northern type. In the life of the Italian law-student, living in his own way in his own hired house, there was no doubt much less that was distinctive and characteristic as compared with the life of the churchman or citizen of the surrounding world: and at all events the materials for the illustration of his life and habits are far less abundant than those which are available for the student-life of Paris, Oxford, and the German Universities.

Modern associations misleading.

If we want to realize what manner of man or boy the medieval student actually was, we shall have completely to lay aside most of the associations derived from modern Universities, Colleges and Schools of every description, whether in our own country or on the Continent. When we are told that the medieval student was younger than the modern Undergraduate, we are apt to liken him to the modern schoolboy. When we are told that he was regarded as a clerk, we are tempted to compare him with the modern seminarist. When we are told that some students begged, we are in danger of supposing that the medieval student was usually a pauper sprung from the lowest social grade. To remove these and similar misconceptions will be the object of this concluding chapter. If the reproduction of the medieval student-life is a task which strains to the uttermost all our powers of historical imagination, it is one which will richly repay the effort that it demands. He who

CH. XIV. understands the life of a medieval University will have taken no unimportant step towards understanding the medieval Church and the medieval world. In speaking of historical imagination, however, it may be desirable to add that it is the reader's own imagination upon which the strain will fall. The present writer has neither the power nor the inclination to emulate the brilliant, if sometimes misleading, pictures which have been painted by several great writers on medieval University life. His aim will be to bring together facts and to allow the reader to paint his picture for himself[1].

Previous Education of the Medieval Student.

Knowledge required on Entrance.

The first question which it seems necessary to ask relates to the equipment with which the average student entered upon his University course. And that question is easily answered. The lectures were given in Latin. Before the student could profitably attend University lectures, he must have learned to read, write, and understand such Latin as was used in the Schools. Latin, it must be remembered, was not merely the language of the Lecture-room, but theoretically at least of ordinary student-life. The freshman must have been able to talk some Latin as well as to understand it. It is of course difficult to say to what extent the practice of the average student corresponded with the theory. There was no such thing as an entrance Examination, except in the Colleges; and the want of proper grounding in the Latin language constituted one of the most glaring defects of the medieval system. Still, in the first half of our period, when the Universities were cosmopolitan, conversational Latin must have been almost a necessity of life to the University student. Even students from different provinces of the same country could hardly have understood each other without

[1] It will, however, occasionally be necessary in the following chapter to make generalizations, the full evidence for which cannot be exhibited in the notes.

its aid[1]: and in the later period we find Latin-speaking in College and Hall strictly enforced by Statute. A Statute of Paris makes the ability of a petitioner to state his case before the Rector in Latin, without any 'interposition of French words,' a test of his *bona fide* studentship[2]. The certificate of 'scholarity' was to be refused if the applicant's Latinity proved unequal to the strain. So the founder of a Chantry[3] which included provision for two scholars provides that one of them was to be sent to the University when he could 'read, sing, and construe well and compose twenty-four verses on one subject in one day.' These two illustrations will perhaps supply us with a sufficient idea of the attainments of the average student upon entering the University proper as a student in Arts. At the same time it is probable that there was a residuum of men who understood even less of the lectures which they attended, or were supposed to attend, than an ignorant monk or 'hedge-priest' did of the Psalter which he daily muttered. We have already seen that large numbers of students—probably a majority—never proceeded even to the lowest degree; there was no compulsion (except in the Colleges) to enter for any Examinations whatever, and numbers must have left the University knowing little more than when they entered it.

Medieval Latin.

While we are upon the subject of medieval Latin, it may be well to remove some popular misconceptions. Among the students of a University and among the clergy generally (in so far as they spoke Latin at all) much villainous Latin was no doubt talked, just as much villainous French is or was encouraged by the rule of French-speaking in

[1] Englishmen then pronounced Latin in the continental way. See the testimony of Dr. Caius, in whose lifetime the melancholy change took place. *Hist. Cantab.* p. 124.

[2] Bulæus, IV. p. 218; *Chartul.* T. II. No. 881.

[3] This Chantry or College, consisting of a Chaplain and two Scholars, was founded in the Church of S. Bredgar (dio. Canterbury). For admission to the College itself, the boys must 'competenter legere et cantare,' and be not less than seven years of age. *Lit. Cantuar.* ed. Sheppard, III. p. 17. Elementary medieval education began with the Latin Psalter.

CH. XIV. English 'Seminaries for Young Ladies.' But the Latin which was written by the Theologian or Historian, the Latin of the Secretary's letter or the episcopal ordinance, was not so bad as is commonly supposed by those who have only heard it abused. The period of gross ignorance, of wrong inflexions and barbarous constructions, had passed away long before the beginning of the University era. Both the excellences and the defects of thirteenth-century or fourteenth-century Latin were due to the fact that Latin was still a living language, though its use was confined to the clerical class. J. S. Mill has rightly praised the Schoolmen for their unrivalled capacity in the invention of technical terms. The Latin language, originally rigid, inflexible, poor in vocabulary and almost incapable of expressing a philosophical idea, became in the hands of medieval thinkers flexible, subtle, and elastic. And this enrichment of the language, which has had such immensely important effects upon the tongues of modern Europe, was carried on not only in the Schools by the Sophists and Theologians, but (no doubt with less wholly satisfactory results) in the epistles of the ecclesiastic and even in the conversation of the ordinary schoolboy, until Latin as a living language was killed by the Ciceronian pedantry of the sixteenth or seventeenth century. The barbarism which shocks the modern scholar in the pages of the average medieval scribe consists in the introduction of new words, of vernacular idioms and combinations, and above all of new forms or derivatives of good Latin words demanded by the exigencies of new ideas, rather than in the violation of the ordinary rules of Syntax or Accidence. There were of course different degrees of knowledge or ignorance even among the educated men of the Middle Ages. The average 'Artist' heartily despised the mere Grammarian or Schoolmaster: the niceties of Latin syntax were beneath his notice: punctilious accuracy in such matters seemed unworthy of a philosophic mind. Consequently he wrote worse Latin than the monastic historian who perhaps loved his Virgil better than his Angelical Doctor. But still the

average Oxford graduate could probably write Latin which was rarely adorned by the kind of blunders which the average modern passman will make in every third line. And the Latin of serious medieval books after the eleventh century is generally correct and its syntax free from most of the mistakes which are taken cognizance of at Responsions [1].

The Grammar Schools in University Towns.

In the Universities (as has been seen) Grammar formed one of the subjects of Examination for degrees in Arts: and students of that Faculty were still (in the earlier part of their course) required to attend Grammar lectures concurrently with the course of Logic and Philosophy [2]. There were, however, in every University town, as in other important places, Grammar Schools proper, intended for the elementary instruction of young boys and quite distinct from the Schools of the Faculty of Arts. In many cases, either by usurpation or special privilege, the University acquired jurisdiction over these Schools. This was the case in most German Universities. In others they remained under the ecclesiastical inspection to which they had been subject before the rise of the University corporations. Thus at Paris the Chanter of Notre Dame retained his control over the 'Petty Schools,' including all elementary or Grammar Schools in the City, whether boys' Schools kept by a Master or girls' Schools kept by a Mistress [3]. There was, of course, a special Cathedral Grammar School for the Choir-boys under his immediate supervision, but he also granted Licences to independent Masters or Mistresses (the former might or might not be University

[1] There are, of course, a few exceptions. The inferior writers do not distinguish between 'alter' and 'alius,' between 'ejus' and 'suus,' and though 'ut' takes a subjunctive, the niceties of that mood are not appreciated, &c. The use of 'unus' as an article, and of 'cum' in place of an instrumental ablative, is characteristic of the worst, and especially of the latest, medieval Latin.

[2] At least at Paris. There is some reason for thinking that Oxford Latin was worse than Parisian.

[3] Jourdain, Nos. 673, 738. A list of 42 Masters and 21 Mistresses licensed by the Chanter is given by Félibien, *Hist. de Paris*, III. p. 449. 'Mixed' Schools were not allowed without special dispensations. *Ib.* p. 447. Joli was Chanter of Paris, and wrote his *Écoles épiscopales* to defend the rights of the Chantership. Cf. *Chartul.* T. III. Nos. 1237, 1713.

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graduates), and made rules for the conduct of the Schools, just as the Chancellor had done in early days for the Schools of Theology and Arts. At Cambridge the Grammar Schools were under the immediate control of an official who has caused great perplexity to the antiquaries of that University—the 'Magister Glomeriæ' who was appointed by and responsible to the Archdeacon of Ely[1].

Grammar Schools at Oxford.

At Oxford also it is probable that the Archdeacon had originally, as part of his general ecclesiastical jurisdiction, a control over the Grammar Schools[2]; but here the Chancellor of the University was too powerful for him to retain it. At the beginning of the fourteenth century we find the University legislating for the Grammar Schools, and appointing two Masters from among its own graduates to superintend them. These 'Superintendent Masters' were remunerated by a tax levied upon the earnings of the inferior class of ordinary Grammar Masters. Medieval scepticism brought even Grammar into the region of debateable matter: and the Masters of Grammar were required to attend disputations in their Faculty every Friday and periodically to observe a 'convenite,' i. e. a kind of primitive Head Masters' conference held twice a Term, to discuss matters of professional interest[3]. Their pupils were brought within the privilege of the University by being nominally enrolled in the Matricula of a Master of Arts if

[1] See Peacock, *Observations on the Statutes*, App. A, and above, p. 555.

[2] I infer this from the fact that the first dated Statute for the Grammar Schools (1306 A.D.) was passed 'In præsentia venerabilium virorum Domini Archidiaconi Oxoniæ sacræ theologiæ professoris ... scilicet Magistri Gilberti de Segrave, et Magistri Gilberti de Mideltona, tunc officialis Domini Episcopi Lincolniensis' (*Mun. Acad.* pp. 85, 86).

[3] *Mun. Acad.* pp. 85–87, 437–443. An endowment was left for the payment of the Superintendents in 1321. Doc. printed by Little in *Eng. Hist. Review*, VI. 1891, p. 153. This office was afterwards amalgamated with that of the 'Magistri Scolarum Augustiniensium,' and the salary transferred to them. *Mun. Acad.* p. 363. These were the Masters who presided over the Disputations of Bachelors at the Austin Convent (see above, p. 555). As misunderstandings have arisen on the subject, it should be mentioned that the Austin Friars never had anything to do with these disputations beyond lending their schools. For 'convenites' among the London Masters of Grammar, see Appendix XVIII.

their own Master was a non-graduate[1]. Otherwise they were not what we should describe as members of the University. The Masters had no seat in Convocation: the boys were not keeping terms in any of the recognized Faculties of the University. The only difference between the position of their Schools and that of Grammar Schools elsewhere was that their Masters were licensed by the University authorities instead of by some ecclesiastical dignitary. Sooner or later, however, it would appear that the process of admitting the Masters was assimilated to that attending admission to the regular degrees of the University. In the fifteenth century we hear of regular Examinations for the degree. In the sixteenth century there was a Bachelor's degree as well as a Master's: and solemn Inceptions took place at which the Master received as a symbol of his office, not a book like Masters of the other Faculties, but two to him far more important academical instruments—a 'palmer' and a birch, and thereupon entered upon the discharge of the most fundamental and characteristic part of his official duties by flogging a boy 'openlye in the Scolys.' Having paid a groat to the Bedel for the birch and a similar sum to the boy 'for hys labour,' the Inceptor became a fully accredited Master in Grammar. When the Mastership of Grammar had become a kind of inferior degree of the University, it was sometimes sought for by Schoolmasters in other places as an honorary distinction. These men were not necessarily required to reside in the University. Schoolmasters of a certain standing were allowed (like Doctors of Music at the present day) to come up and take the degree after performing some exercise prescribed to them by the University. The exercise generally consisted in writing 100 verses in praise of the University. Had the ambition to take these degrees in Grammar been widely diffused, the demand for whipping-boys might have pressed rather hardly upon the youth of Oxford: but

Degrees in Grammar.

[1] *Mun. Acad.* p. 445. It is interesting to note that some of these boys were boarders in the Masters' houses (*commensales*). For Grammar Degrees at Vienna, cf. above, p. 241.

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very few of them are mentioned in the University Register [1].

Grammar Schools outside Universities.

There is no reason to believe that boys came to attend these inferior Grammar Schools in the University towns except from the immediate neighbourhood. The majority of scholars must have learned reading, writing, and the rudiments of Grammar nearer home [2]. As to where and how this

[1] The documents do not enable us to trace the history of these Grammar degrees with the fulness which one would like. The term 'incipere' is used of a Grammar Master in undated Statutes (*Mun. Acad.* p. 443), which had passed out of use before the middle of the fourteenth century, and which may well be extremely ancient. The undated but much later Statutes in *Mun. Acad.*, pp. 436–442, regulate the examinations and speak of a Licence by the Chancellor. The account of the Inception ceremony is taken from Stokys' Book, the production of a sixteenth-century Bedel and Registrary of Cambridge. (Peacock, *Observations*, App. A.) An entry in the Oxford Register in 150$\frac{8}{9}$ shows that a similar custom was then in use at Oxford. A dispensation was granted in favour of a supplicant for the Mastership of Grammar, that 'traditio ferule cum virga sufficiat ad creandum unum magistrum grammatices, non obstante quocunque statuto in oppositum. Una conditio est quod componat 50 versus, alia est quod disputet die veneris proxima' (Boase, *Register*, I. p. 64). For other instances of Grammar degrees, cf. Boase, *ib.* p. 298. In some cases a degree 'in arte rethorica' appears to have been given, and in these cases the graduate 'insignitus est laurea' (*ib.* p. 299). The last degree in Grammar is in 1568. *Ib.* p. 269. Mr. Clark (*Register*, II. pt. i. p. 8) says, 'I have found no trace of a "Master" of Grammar.' He appears to have overlooked the above-cited instance given by Mr. Boase (*Register*, I. p. 64). The formula 'admissus ad docendum' or 'ad instituendum pueros in grammatica,' probably implies the Master's degree. At Cambridge Inception in Grammar is mentioned in 1407. Reg. Ely (Fordham) f. 204 *b*.

[2] 'I am convinced that they [i. e. Grammar Schools] were attached to every monastery, and that the extraordinary number of foundation schools established just after the Reformation of 1547 was not a new zeal for a new learning, but a fresh and very inadequate supply of that which had been so suddenly and disastrously extinguished' (Thorold Rogers, *Six Centuries of Work and Wages*, London, 1884, I. p. 165). This is strongly confirmed by the statement of the Speaker in 1562, who told the Queen 'that at least an hundred [Schools] were wanting in England which before this time had been' (Strype, *Annals of the Reformation*, Oxford, 1824, I. p. 437). For the large number of pre-Reformation Grammar Schools, see the list of thirty-six founded before 1509 given by Furnivall, *Education in Early England*, London, 1867, p. liii; and for further details as to their origin, Carlisle's *Endowed Grammar Schools in England and Wales*, London, 1818. Cf. also Edgar, *Early Scotch Education*, *passim*. As the mistake is often made, it may be added that the Grammar Schools connected with monasteries were secular Schools, taught by secular Masters, and quite distinct from the Schools of the monks.

knowledge was acquired, we have little detailed information. An investigation into the Grammar Schools of the Middle Ages would be a subject for a separate treatise. Suffice it to say that the old ecclesiastical Schools, in connexion with Cathedrals or other important Churches, were not destroyed by the growth of the Universities, and other Schools of the same kind were founded from time to time. Where the Universities were within easy reach, they were probably restricted for the most part to the study of Grammar, and sometimes the rudiments of Logic. In districts remote from Universities there were ecclesiastical Schools of a higher type, which certainly taught a full course of Logic as well as Grammar, and in some cases perhaps the whole range of a University Arts Course. In some countries the bulk of the inferior clergy must have received their education in such Schools. At Vienna, Erfurt, and elsewhere, Schools of this character became a nucleus for the later Universities.

Schools connected with Churches.

Where there was no Cathedral, Grammar Schools were attached to some Collegiate Church or to ordinary Parish Churches. Sometimes there was an endowment for such Schools: elsewhere they were supported by the Municipality, or, in places like Canterbury or Bury, by the Monastery. In other cases, no doubt, they were taught by some poor 'parochial chaplain' in return for the scholars' fees alone. Even in country parishes the Canon Law[1] required that the parish clerk should be able to teach

[1] 'Ut quisque Presbyter, qui plebem regit, clericum habeat, qui secum cantet, et epistolam et lectionem legat, et qui possit scholas tenere, et admonere suos parochianos, ut filios suos ad fidem discendam mittant ad Ecclesiam: quos ipse cum omni castitate erudiat' (Decret. Greg. IX, Lib. III. tit. i.). A gloss adds, '*scolas*: docendo pueros Psalterium et cantare' (Joli, p. 38a). The identity of the method pursued in these elementary schools with that in use in our day is illustrated by the following: 'Et post breve intervallum resumebant istud idem, et cantabant: pater, pater, pater; eo modo, quo pueri, qui instruuntur in scholis a magistris grammaticalibus, solent facere, cum per intervalla clamando repetunt quod dictum est a magistro' (Salimbene, *Chron.* pp. 116, 117). It is noticeable that even the Grammarians on the College foundations were required to know some Grammar on admission. Thus at the College de Boissi: 'nullus vero Grammaticorum recipiatur in

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the boys to read as well as to sing their Psalter. How far such regulations were actually carried out, it is of course impossible to determine with precision. But it may be stated with some confidence that at least in the later Middle Age the smallest towns and even the larger villages possessed Schools where a boy might learn to read and acquire the first rudiments of ecclesiastical Latin: while, except in very remote and thinly populated regions, he would never have had to go very far from home to find a regular Grammar School [1]. That the means of education in reading, writing, and the elements of Latin were far more widely diffused in medieval times than has sometimes been supposed is coming to be generally recognized by students of medieval life. The knowledge of reading and writing and of the elements of Latin was by no means confined to the clergy: 'the bailiff of every

dicta domo nisi Donatum et Catonem [i. e. Dionysius Cato, see above, vol. I. p. 72] dedicerit' (Bulæus, IV. pp. 354, 355). Richard de Bury says that in his book-hunting enquiries he did not neglect 'rectores scholarum ruralium puerorumque rudium pædagogos' (*Philobiblon*, ed. Thomas, p. 79).

[1] E. g. we hear of Schools 'grammaticæ et logicæ' attached to a parish Church at Angers, the 'collation' of the Mastership belonging to the Dean of S. Peter's. Rangeard, II. p. 187. This may be taken as a specimen of the higher class of Church School. The distinction between the higher and lower class of Grammar School is well described in a decree of the Papal Legate Guido, who in 1267, on the petition of the Dean and Chapter of Breslau, appoints 'ut infra muros ciuitatis Vratislauiensis iuxta ecclesiam sancte Marie Magdalene scole fiant, in quibus pueri paruuli doceantur et discant alphabetum cum oracione dominica et salutacionem beate Marie virginis cum symbolo psalterio et septem psalmis, discant eciam ibidem cantum, ut in ecclesiis ad honorem dei legere valeant et cantare. Audiant etiam in eisdem scolis Donatum, Cathonem et Theodulum [a poet of the ninth century, author of *Ecloga, qua comparantur miracula V. T. cum veterum poetarum commentis*] ac regulas pueriles. Qui predicti pueri si maiores libros audire voluerint ad scolas sancti Johannis in castro Vratislauiensi se transferant, uel quocunque voluerint.' The reason alleged for the change is the inconvenience previously experienced through the 'parvuli' having to be sent to schools (? supported by monasteries) outside the walls. The Scolasticus of the Cathedral is to have the appointment of the Rector of the new School. *Breslauer Urkundenbuch*, ed. Korn, Breslau, 1870, p. 35. As to the smaller Grammar Schools of Paris, cf. Joli, p. 390.

manor kept his accounts in Latin[1].' A Grammar Master often formed part of the establishment of a great noble or prelate[2], who had pages of gentle family residing in his house for education. In other cases a boy of a well-to-do family no doubt received his earliest education from a chaplain or 'clerk' of his father, or from a private tutor or neighbouring Priest engaged for the purpose.

Method of teaching.

In the Grammar School the rudiments of a classical education were imparted in much the same way as at the present day. Donatus and Alexander de Villa Dei were the Grammars. After the Psalms had been learned (this much was taught in the most elementary Schools of all), Cato[3] served for Delectus, after which the boy might be put into Ovid and possibly Virgil. In the absence of dictionaries the Master no doubt literally 'read' the book to the pupils, i.e. construed it to them and afterwards required them to do the same. In England books were construed into French as well as English. Questions were asked in parsing and exercises set in prose and verse[4]. Disputations in Grammar—perhaps something after the fashion in which candidates for Queen's Scholarships at Westminster till lately 'challenged' each other with hard questions—were also a favourite institution. After the boy had once entered the University all this ceased. No more classical books were construed, and we hear comparatively little of composition, though verse-making sometimes entered into University Examinations. Lectures in Grammar meant formal lectures on the elaborate grammatical treatises of

[1] Stubbs, *Constitutional Hist.* II. p. 345.

[2] See Furnivall, *l. c.* p. xi *sq.*

[3] See above, vol. I. p. 72. At Perpignan 'Bacallarii legentes in lectorio minori legant auctores consuetos, videlicet: Cathonem, Contentum, et Thobiam [a Renaissance poet, pupil of Guarinus of Verona], et teneantur facere duo proverbia de mane et duo de vespere et reaudire lectiones lectas et probare nomina vel verba in proverbiis supradictis' (Fournier, *Statuts des Univ. franç.* II. No. 1485).

[4] 'Inter artes igitur quæ dicuntur
trivium,
fundatrix Grammatica vendicat
principium,
sub hac chorus militat metrice
scribentium'
(du Méril, *Poésies Pop. du moyen âge*, pp. 151, 152); *Mun. Acad.* pp. 437, 438.

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Life in the University.

Age on Entrance.

In the first place, it is natural to ask the age at which a boy usually went up to Paris and probably most other Universities. Twenty was the minimum age for the Mastership, and the full course in Arts lasted seven years. Thirteen might, therefore, be considered the normal minimum age for admission: but the Paris Statute, which requires the 'determining Bachelor' to be at least fourteen[1], distinctly implies that some went up much earlier than this. Many would naturally have been older. On the whole it appears that the age of admission varied much more considerably than is now the case: but as a rule the freshman would be between thirteen and sixteen[2].

Beneficed students.

Quite young boys might, indeed, be Canons or Rectors of Parish Churches: and in such cases entered as students in Arts like other boys of the same age. But ecclesiastics of all ages frequently obtained leave of absence to study in the Universities, and the older men naturally became students of Canon Law or Theology. Between the years 1372 and 1408 there appear, on the matriculation-book of the Faculty of Law at Prague, the names of one Bishop, one Abbot, 9 Archdeacons, 23 Provosts, 4 Deans, 209 Canons, 187 Rectors, 78 other secular clerks, and 25 regulars. So in the comparatively small University of Angers 138 beneficed persons (besides Canons of the Cathedral) obtained exemption from the Tenth in 1413[3]. In the Register of the German Nation at Bologna more than half of the students are beneficed, most of them dignitaries or Canons. Such men (whether graduates in Arts or not) were of

[1] *Chartul. Univ. Paris.* T. II. p. 673.

[2] At the Coll. de Laon, scholars before entering on the Arts course are to be 'ad minus puberes' (Jourdain, *Index*, p. 107).

[3] Fournier, I. No. 457.

course, at least when living in their own houses and not in Halls or other communities, only subject to much the same discipline as the University or the ecclesiastical authorities imposed upon Doctors and Masters: and many of them were among the most disorderly and troublesome of the academic population. In lecture the Statutes vainly prescribed that they should sit 'as quiet as girls'; and spiritual thunders had at times to be invoked to prevent them from 'shouting, playing, and interrupting[1].' In what follows we are contemplating chiefly the career of the ordinary Artist who usually entered the University at a more or less early age.

State of Discipline in University Halls and Colleges.

Independence of boy-undergraduates.

When we have grasped the fact that the medieval student in Arts was usually much younger than the modern undergraduate, we are very apt to fall into the mistake of seeing in him merely the modern public-school boy, taught Aristotle instead of Cicero, and disputing sophisms instead of writing Latin verse. Such a view would, however, involve a complete misconception of his status. When we remember the youth of the medieval freshman, the unfettered liberty—not to say licence—which he originally enjoyed, is certainly one of the most astonishing facts about him. In some cases we do, indeed, hear of his being escorted from home by a 'fetcher,' 'caryer,' or 'brynger[2]'; but the roads were dangerous, and protection of some kind was necessary even for men, while travelling in a carrier's cart was of course cheaper than riding. The proclamations against bearing arms often contain exceptions in favour of students travelling to or from the University. On arrival at Oxford or Paris our student had full liberty (unless his parents had

[1] *Mon. Univ. Prag.* I. pt. i. p. 13; Tomek, p. 35. Odofredus (Sarti, T. I. pt. i. p. 41) tells a story which illustrates the mode of ironical applause or dissent in vogue at Bologna: 'scholares pulsabant libros contra eum.'

[2] *Mun. Acad.* p. 346. Cf. above, p. 410.

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made some provision for him, which would have been an impossibility for all but the rich) to choose the Master to whose lectures he would go, and the Hall or Hospicium to which he would attach himself.

Touting Masters.

While temporarily established at an Inn before finding permanent quarters for himself, he would very probably be visited by some touting Master or one of his students (who no doubt expected a commission on any business which he might introduce), anxious to secure the new-comer for his own Hall or lecture-room [1]. In the matter of lectures, indeed, a trial was respectfully solicited with all the accommodating obsequiousness of a modern tradesman. The pseudo-Boethius of the thirteenth century represents a scholar as advising freshmen not to commit themselves to a Regent before they had attended his lectures for three days experimentally [2]; and the Statutes of some Universities provide that fees shall not become payable till after the expiration of that or some longer interval. With regard to residence, indeed, it was in the earlier period not necessary or even customary for the student, however young,

Lectures attended on approbation.

[1] The first Parisian Statute against the practice was passed in 1290. Bulæus, III. p. 497; *Chartul.* T. II. No. 570. So in 1452: 'Item circa prædictos Pædagogos et domorum Principales magistros, statuimus et ordinamus, ne tanquam ambitioso aut quæstui turpiter inhiantes per mansiones et loca concurrant, aut Tabernas et Hospitia circumeant per se vel per alios, ad rogandos sibi Scholares.' At the same time migration was forbidden. Bulæus, V. p. 572. So at Orleans: 'Nec doctor scholarem aliquem visitabit, antequam scolas suas vel doctoris alterius sit ingressus,' unless a relation or intimate friend. Fournier, I. No. 116. And at Bâle: 'Nullos Magistros aut Scolares . . . debere per se aut alium directe vel indirecte allicere practicare vel attrahere Scolares advenientes vel qui de novo advenerint sue vie aut burse applicare, aut iisdem occurrere in ponte Reni aut quibusvis aliis locis' (Vischer, *Gesch. d. Un. Basel*, p. 153).

[2] Migne, T. 64, c. 1232. At Bologna the Artist Statutes provide 'quod quilibet scolaris possit experientiam facere de doctrina cuiuslibet doctoris et repetitoris spatio quindecim dierum,' without fee (*Stat.* p. 248). So Odofredus insists strongly upon the advisability of students exercising their private judgment upon the matter: 'Scolaris enim quemlibet debet audire et modum cujuslibet inspicere, et qui si [*leg.* sibi] plus placebit ille debet per eum eligi, et opinione propria non alterius, non prætio . . . vel præcibus doctoris vel alterius' (*Proem. ined. ad Dig. vet.* ap. Coppi, *Le Università Ital.* p. 257).

to live under the nominal supervision of a Master[1]; he might seek out his own lodgings in the town or join a party of students in hiring a Hall[2].

The Hospicia and their Principals.

In the Hall or Hospicium one of the party was, indeed, called the Principal and exercised a certain authority over the rest. But the Principal was merely the student who had made himself responsible for the rent. His authority must have been derived from the voluntary consent of his fellow students. The owner could, indeed, transfer the Hall to a new Principal upon the retirement of the existing tenant; but, since there was nothing to compel a student to remain in the Hall, the consent of the community was absolutely necessary to the appointment. And in practice it appears that, upon the occurrence of a vacancy, a new Principal was elected by the whole community just as the Head is elected by the Fellows of a College. At Oxford, even after the effective nomination to the Principalship had been secured by the Chancellor in the reign of Elizabeth[3], it was still considered necessary formally to

[1] The pseudo-Boethius advises the Scholar to see as much as he can of his Master 'mansionique ejus, si possit, se inserat cohabitando, ut sic castigatus non solum se remordeat, verum etiam si locus adfuerit ad eum confluat inquirendo' (Migne, T. 64, c. 1230).

[2] For instance, the scholar who murdered a woman at Oxford in 1209 was attacked 'in hospitio suo, quod cum tribus sociis suis clericis locaverat.' Roger de Wendover (ed. Hewlett, London, 1886), II. p. 51.

[3] In the Chancellorship of Leicester (Wood II. 232 *sq.*). The records of the election of the Principals of Hart Hall down to the appointment in 1710 of Richard Newton, the first Founder of Hertford College, state that the Principal was 'elected.' The later form is that the election was 'confirmed.' See below, Appendix XXVI. So by the earliest Statutes of Balliol (p. v) the Scholars are to elect and obey the Principal 'secundum statuta et consuetudines inter ipsos usitata et approbata.' We get another allusion to such Statutes made by the *Aulares* themselves in *Mun. Acad.* p. 470 (headed 'ex privilegiis Universitatis in tempore Edwardi primi concessis'), where the Chancellor is authorized to over-rule any Aularian Statute and make new ones, 'et istud privilegium concessum fuit Cancellario quod olim Principales aularum et Scholares fecerunt statuta derogantia officio et potestati Cancellarii.' So at Vienna: 'Singulæ conclusiones honeste et licite per Conventorem alicujus Bursæ conclusæ ex votis majoris partis Bursæ sortiantur effectus executionis, nullo contradicente' (Kink, I. Pt. i. p. 38). At Cracow we find the consent of students necessary to the pur-

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convoke the members of the Hall, graduate and undergraduate, and require them to elect the Chancellor's nominee. The form has been gone through within living memory. There are, indeed, distinct traces that at one time the government of the Hall was a democracy, the power of the Principal being limited to the enforcement of Statutes freely accepted by the community. It is likely enough that in practice the Principals in the Artists' Halls were usually Masters or at least Bachelors; but it was not till the fifteenth century that the Universities began to restrict the Principalship to Masters. We have already noticed that it was at about the same period that measures were taken both at Oxford and at Paris to suppress the class of martinets or chamberdekyns, and to compel all students to reside either in a College or in a Hall or Pædagogy presided over by a Master or at least a graduate[1]. The Statutes of the German Universities throw still further light upon what was probably the state of things at Paris and Oxford before the universal requirement of residence. They for the most part enforce residence in Hall or College on all students in Arts, with the exception of two classes—the sons of nobles or rich men who lived with a private tutor in houses of their own[2],

Gradual enforcement of residence.

chase of plate, furniture, table-linen, &c. (*Regestrum Bursæ Cracoviensis*, Budæ, 1821). By the Oxford Aularian Statutes, each Scholar was to have 'discos de propriis' (f. 6 *a*). Eventually such things came by custom to be the property of the Hall, and passed from one Principal to another. On all these matters, I know of no evidence as to Paris, but the system was probably much the same as at Oxford.

[1] It is evident, however, that the Statutes were long very imperfectly observed. In 1484 we hear, 'quod multi temeriter starent extra collegia et essent vagabundi errabundi et ... starent cum quibusdam mulieribus in domibus earum et quedam mulieres tenerent pedagogia et collegia quedam' (*MS. Reg. Nat. Angl.* No. 10, f. 35 *b*, Archives at the Sorbonne).

[2] Cf. a decree of the University of Vienna: 'Anno 1401, 29 Maii in congregatione Universitatis declaratum fuit, quod ille teneret statum nobilium, qui tenet unum Magistrum in expensis et ad minus duos famulos' (Kink, *Gesch. d. Un. Wien*, I. Pt. i. p. 117). So at Cologne (A.D. 1457), students are required to reside in Masters' *Bursæ*, except poor students or 'nobilibus aut personis egregiis cum honesta familia ad studium missis; quos suorum regentium relinquimus arbitrio' (Bianco,

and the poorest students who could not afford the cost of residence in a Pædagogy With the great mass of students of moderate means residence in a Hall was already the established rule long before it was actually enforced by University Statute.

State of discipline.

But even when the medieval undergraduate was fairly imprisoned in his Hall or Pædagogy, it must not be supposed that he was forthwith subjected to the discipline of the modern schoolboy. On this subject, indeed, there seems to be an almost universal misconception. It is known that there was a time when undergraduates in Universities were birched; and it is a somewhat natural assumption that the further we go back, the more Spartan will the discipline be found. Such a supposition is, however, wholly opposed to all the evidence within our reach. As to University discipline, as we should understand it, there was in the thirteenth century really no such thing. For offences against the ordinary civil or ecclesiastical law, the undergraduate was of course subject to imprisonment or excommunication like other clerks. Offences against the Statutes of the University were punished in the earliest period chiefly by excommunication, and later on chiefly by fines: but the earlier University Statutes hardly attempted to interfere with the private life of students, except with the view of preventing actual outrage or breach of the peace, and perhaps of enforcing clericality of dress. It is only in reference to the Grammar School that we meet with any allusion to flogging; it is the Grammar-master who was presented with the birch as the symbol of his office. Among the personifications

Corporal punishment.

Gesch. d. Un. Kol., Anl. p. 76). At Leipsic, again, in 1441, we find a Licence to reside 'extra bursas communes' (*Urkundenbuch*, ed. Stübel, p. 39. Cf. *Statutenbüch. d. Un. Leipsic*, p. 57, A. D. 1432). Cf. Kosegarten, *Greifswald*, II. p. 308, and Westphalen, *Diplomatarium* (*Mon. Ined Rer. Germ.* IV), c. 1016. Contrary to the experience of modern Universities, this poorest class was undoubtedly disorderly. This is the account given of them at Oxford: 'Per dies dormiunt ac in noctibus circa tabernas [et] lupanaria spolia homicidiaque vigilant' (*Mun. Acad.* p. 320).

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of the Seven Arts which adorn the front of Chartres Cathedral, Grammar alone carries a rod[1]. There has always, indeed, been considered to be some peculiar and mysterious connexion between the rod and classical scholarship; a former age might have even attributed the decay of classical scholarship in the medieval Universities to the absence of this stimulus. Certain it is that it was at about the time when classical studies began to revive that the rod reappeared in academical lecture-rooms. In all the University records of the Middle Ages there is not a single hint or allusion to corporal punishment until

[1] In the poem of Theodulfus, *De VII Liberalibus Artibus* (*Mon. Germ. Hist. Poet. Lat. Med. Ævi*, I. p. 545), Grammar is thus described:

'Huius læva tenet flagrum, seu dextra machæram,
Pigros hoc ut agat, radat ut hæc vitia.'

So Mapes, in *Apocalypsis Goliæ Episcopi* (ed. Wright, 1847), p. 3:

'Hic Priscianus est dans palmis verbera,
est Aristoteles verberans aera.'

Kaufmann is the first writer who has pointed out the absence of corporal punishment in the ordinary discipline of medieval Universities, but he has omitted the needful qualifications. The severity of the discipline in the Grammar Schools may be estimated from the terse Statute of the College attached to the Cathedral School of Reims: 'Singulis noctibus disciplinas accipiant' (Varin, *Archives Administratives de la Ville de Reims*, I. p. 662 *sq.*). It would appear, moreover, that if the 'magnus Magister' found at the Saturday examination that the boys under the 'parvi Magistri' did not know their lessons, 'verberabit pueros *et magis magistrum eorum*' (Robert de Sorbonne, *De Conscientia*, in *Bibliotheca Patrum*, XIII. 1618, p. 384). In this discourse (according to the text of Bulæus, III. p. 227) there occurs the startling statement that 'si aliquis refutetur a Cancellario Parisiensi, verberatur;' but from the text of the *Bibl. Pat.* it appears (as, indeed, is demanded by the context) that a 'non' has dropped out. The *De Disciplina Scholarium* shows clearly enough that no corporal punishment—indeed, no punishment at all—was possible in the Arts Schools. 'Magister Franco in immansuetudine prodeat in exemplum, qui ob discipulorum suorum nobilitate sua utentium irrefrenabilem arrogantiam laqueo se suspendit; sapientius autem egisset si mansuetudine usus fuisset' (Migne, T. 64, c. 1235). It is true that the Master is required to be 'rigidus . . . ut . . . protervientes castiget;' but other instances of the use of 'castigare' show that it is probably not to be taken literally, and the remarks which follow, on the treatment of late scholars, make it plain that the Master had very little control over his scholars. It is only the Master who leaves the University to teach as a schoolmaster or tutor whose pupil 'parentum assensu virgis affligetur' (*ib.* c. 1237).

the fifteenth century. Then, indeed, the University of Paris, which was now for the first time making a serious effort to put down the disgraceful faction-fights which formed the favourite pastime of the medieval student, did on rare occasions in solemn Congregation order that the Rector and Proctors should go to the Colleges or Pædagogies of the offenders—offenders, it should be observed, who would now be liable to long periods of imprisonment or penal servitude—and there personally superintend the chastisement of the youthful rioters or bravoes. It is not till 1469 that we find similar penalties denounced for a mere University offence. In that year a new Statute was passed against the festive irregularities of the 'Feast of Fools,' and even then it is inflicted by University authority, not by individual Masters or Principals[1]. So at Louvain we find one or two cases of flogging ordered by the Faculty of Arts for homicide or other grave outrage[2]. These are the exceptions which prove the rule. They are new and extraordinary exercises of authority on the part of the University at large. It is almost as certain as such a matter can be made that the birch was quite unknown to the ordinary discipline of the University till towards the close of the fifteenth century or

[1] 'Quantum ad secundum articulum, deliberavit Facultas, quod transgressores sue conclusionis, scilicet portantes arma et assumentes habitus fatuorum, qui presentes sunt, corrigantur publice, in loco publico, puta in vico Straminis vel in Sancto Juliano, et in domibus eorum, coram Deputatis Facultatis; post correctionem vero susceptam, humillime si supplicaverint predicti transgressores, pro admissione ad gradus, tunc vult Facultas mite cum eis agere. . . . Facultas istos correctos scilicet admisit, si fuerint sufficientes, ad gradus vel baccalariatus vel magisterii' (Jourdain, No. 1369. An. 1469). Later on, in 1487, the Rector Proctors, and 'Pedagogues' are given a general power 'ad corrigendum, reformandum, et ad deponendum omnes abusus Universitatis absque ulteriori congregatione Facultatis' (Bulæus, V. p. 784). It is obvious that they were not previously supposed to possess such power. Goulet dates the general reform of University discipline from this period, and there can be no doubt that it constitutes an epoch in University history.

[2] Vernulæus, *Acad. Lovan.* p. 58. Later we find corporal punishment denounced on any Artist under twenty-five who sells his books without permission of his Regent. Molanus, *Hist. Lovaniensium*, ed. Ram., II. p. 930.

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later. Even then such discipline continues to be the exception rather than the rule.

General laxity of discipline.

A few illustrations of the way in which even grave outrages were dealt with may illustrate the last statement. At Ingolstadt, a student having killed another in a drunken quarrel at a 'symposium,' the University resolved on the 'confiscation of his scholastic effects and garments, and therewith contented did not proceed to the punishment of expulsion[1].' It is satisfactory to add that a Prague Master of Arts, believed to have assisted in cutting the throat of a Friar Bishop, was actually expelled[2]. The Statutes of the German Universities are far more precise and detailed on matters of discipline than any that have come down to us from Paris: it was perhaps natural for new Universities to embody in formal Statutes regulations which had been merely sanctioned by custom and tradition in the older bodies from which they sprang. We see in these Statutes—ranging from the last decades of the fourteenth to the end of the fifteenth century—a progressive attempt to introduce reasonable order into the undisciplined student-hordes of the earlier Middle Age. But the aims of medieval disciplinarians were—considering the youth of the pupils—of a very moderate order. It was as much as they could do (even in the fifteenth century) to compel the students to live in Halls presided over by Masters, to prevent students expelled from one Hall being welcomed at another, to prevent the Masters themselves condoning or sharing

Improved discipline of fifteenth century.

[1] 'Quidam studiosus *Joannes Hohenburger* Ambergensis, in symposio, cum ex altercatione verbali ad arma et pugnam deuentum esset, in ipsa dimicatione *Christophorum Tobs* itidem Studiosum interfecit. Facta est rerum ipsius Scholasticarum et vestium confiscatio, et ea contenta Vniuersitas ad exclusionis pœnam non processit' (1479) (Rotmarus, *Annales Ingolstadiensis Academiæ*, I. p. 19). To prevent exaggerated inferences from a solitary case, it may be well to contrast the Leipsic Statute, 'quod quilibet repertus in homicidio remittatur ad episcopum perpetuis carceribus mancipandus' (Zarncke, *Statutenbücher*, p. 60). It is, however, unlikely that such a sentence was ever carried out. At Greifswald, a student who killed another in a quarrel is fined 200 florins (Kosegarten, II. p. 188).

[2] *Mon. Univ. Prag.* I. Pt. i. pp. 99, 100.

the worst excesses of their pupils, to compel fairly regular attendance at lectures and other University or College exercises, to require all students to return home by curfew at 8 or 9 p.m.[1], to get the outer doors of the Pædagogy locked till morning, and to insist on the presence of a Regent throughout the night[2]. In some cases students are compelled to dine in their Hall, and attend the subsequent disputation[3]. When the early habits of the community generally are remembered, it will be evident how much liberty or license these regulations still allowed to boys of fifteen or sixteen living in the very centre of large and densely populated towns. They were in general perfectly free to roam about the streets up to the hour at which all respectable citizens were in the habit, if not actually compelled by the town statutes, of retiring to bed. They might spend their evenings in the tavern and drink as much as they pleased. Drunkenness is rarely treated as a University offence at all. In some Statutes it is only on a third offence that a student is expelled for introducing suspected women into the Pædagogy. The regular

[1] At Erfurt it is enacted: 'Primo post campanam, que dicitur quinque solidorum, nullus scolaris absque necessitate vel racionabili causa vadat per plateas, et si causam rationabilem habuerit, vadat cum lumine aperto et per loca honesta' (Project for original Statutes in Weissenborn, *Acten*, II. p. 7). So at Leipsic, College-doors are to be shut at 9 in winter, and 10 in summer (Zarncke, *Statutenbücher*, p. 182). 9 p.m. was the general rule in the Colleges of Paris and Oxford; in the latter it is still retained, though ingress is allowed up to 12. Occasionally the hour of closing is earlier. At the Coll. de Narbonne in 1379 the gate is to be shut 'post occasum solis,' and *ad.* charged to all who wanted to go in or out afterwards—the first instance I have met with of the still extant Oxford abuse known as a 'Gatebill.' The Narbonne Statute goes on to provide an increased penalty of 3 *solidi* 'si quis enormiter pulsaverit vel gravem strepitum duxerit,' and of ½ mark (*plus* repairs) for breaking the gate (Félibien, V. p. 666).

[2] At Heidelberg in 1453: 'Item quod in qualibet bursa vel eciam alia domo in qua scolares communiter dormiunt vel vivunt, in prandio et in cena sit ad minus vnus regencium eandem presens, maneatque in illa in hyeme a tempore cene, et estate a pulsu campane vini per integram noctem' (Hautz, *Gesch.* II. p. 395). The same Statutes provide for evening 'exercitia seu resumpciones.'

[3] E. g. at Rostock. Westphalen, *Diplomatarium*, col. 1029. These Statutes seem to be given as the original Statutes (*circa* 1419), but some things in them suggest a later date.

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patrol of the Proctors with pole-axe and armed attendants seems to be almost peculiar to the English Universities[1]. In Louvain, and probably many German Universities, the repression of 'night-walking' was entrusted to the 'Promotor' of the University[2]. The penalties which are denounced and inflicted even for grave outrages and immoralities are seldom severe and never of a specially schoolboy character. In the most serious cases there was imprisonment[3] or excommunication; offences somewhat less serious, including many which would now be treated as crimes (except, indeed, in Universities), are punished by postponement of the degree, expulsion from the College or Pædagogy, temporary or permanent banishment from the University town; while ordinary breaches of discipline are expiated by fines.

Tariff of fines for assaults.

Very curious is the minuteness with which in many University or College Statutes a graduated scale of pecuniary penalties is adjusted to the various degrees of undergraduate enormity. Thus, in the Statutes of the Collegium Minus at Leipsic, drawn up in 1438, we find a fine of 10 new *groschen* provided for the offence of lifting a stone or other missile with a view of throwing it at a Master, but not actually throwing it. For throwing and missing, the mulct is increased to 8 florins: while a still higher penalty is provided for the more successful marksman[4]. A later

[1] In 1536 we find a citizen complaining that 'the proctor did thrust his pole-axe at him.' Doc. quoted by Boase, *Oxford*, p. 116.

[2] 'Promotor per dominum Rectorem jussus, noctu plateas obambulet, cum praetore vel sine praetore. . . . Quod si aliquem nocte illa apprehenderit, habeat ipse ab apprehenso octo stuferos et quilibet famulorum ejus quatuor stuferos' (Stat. in Molanus, *Hist. Lovaniensium*, ed. Ram., II. p. 907).

[3] In some German Universities there was a kind of genteel University prison for short periods. Thus at Leipsic, a student may be required 'sedere in turri' for any period not exceeding six months. Zarncke, *Statutenbücher*, p. 55. Offenders were politely invited to go to prison (a custom still observed in some German Universities), refusal involving expulsion. *Ib.* p. 57.

[4] 'Item levans lapidem, cantrum aut consimile animo proiiciendi post corpus alicuius magistri, non tamen proiiciens, dabit collegio pro poena 10 novos grossos. Si vero proiecerit et corpus non tetigerit, dabit collegio 8 florenos pro poena. Si autem ipsum tetigerit citra vulneracionem,

Statute further distinguishes between 'hitting without wounding' and 'wounding without mutilation,' for which the penalty rises to 18 florins, together with compensation to the injured Master, while only for actual mutilation is the penalty of expulsion denounced[1]. The Statutes of Vienna contemplate the possibility of flogging for the very poorest class of students[2]. With this exception it is not till the first year of the sixteenth century that we encounter a threat of flogging in the Statutes of the University of Tübingen[3], which seem to breathe a kind of Protestant austerity even before the dawn of the Reformation. The 'imposition' would also appear to be a sixteenth century improvement in 'Pædagogy'[4].

Greater strictness in Colleges.

It was, as has been already remarked, the growth of Colleges that led to that great revolution in University discipline which reached its climax in the sixteenth century. The College introduced an entirely new relation between the teacher and the taught. The scholar who accepted

iuxta formam prioris statuti puniatur' (Zarncke, *Statutenbücher*, p. 227).

[1] *Ib.* p. 232.

[2] See above, vol. I. p. 507 *note.*

[3] The Statute recites that whereas certain students had been imprisoned, and certain others to procure their liberation 'recusarunt bursalia exercicia et actus scholasticos solito more audire non sine quadam conspiracione,' such attempts are prohibited 'sub prestiti iuramenti debito et pena exclusionis perpetue ab vniversitate aut correctionis publice virgarum duorum seniorum huic machinationi interessentium' (*Urkunden zur Gesch. d. Un. Tüb.* p. 105). The provision is obviously an extraordinary expedient to meet an extraordinary emergency. In the thirteenth century students in the like case would have seceded and started a new University. In the very full records of Leipsic I find no allusion to 'virgæ' till 1543, when we hear of 'castigationes' by the tutors or 'Præceptores,' who were instituted in 1517. Zarncke, *Statutenbücher*, pp. 72, 90.

[4] The earliest instance I have met with is in the Statutes of Corpus Christi College, Oxford (p. 99), in 1517, where the President may punish 'per injunctionem ut per horam vel horas, cum minime vellet, aliquid scribat aut componat in Bibliotheca.' So in 1524 at Leipsic students are sentenced for lampooning each other ('mutuis libellis et iambis') 'ingredi carcerem et offerre domino rectori carmina greca,' &c. (*Acta Rectorum*, ed. Zarncke, p. 7). The imposition is thus distinctly a product of Humanism. It will hardly be believed by many persons now living in Oxford that impositions have been set and performed (*per se vel per alium*) by the Dean of an Oxford College within the last few years.

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a College endowment was no longer free to step across the road into a rival Hall if dissatisfied with the treatment which he received from his own Principal. Within the College walls he could be compelled to prepare his lessons, to 'repeat' them afterwards, or to take part in disputations or other exercises, as he could not be in the Schools of the University Regent, which he was free to leave at any moment. The College was under the supervision of a man of more years and more character than the average 'Principal'; and neither he nor the subordinate College officers had anything to gain by condoning or winking at the irregularities of their charges. Even the boarder who was not on the foundation was probably placed there by his parents for the express purpose of subjecting him to a more real discipline than he was under at the Hall; and it would be difficult to keep up one standard of discipline for the foundationers and another for the pensioners or commoners. Moreover, the mere character of the College building may have done something to facilitate discipline. A solid and substantial stone building, with a massive door well barred against the incursions of hostile mobs, offered smaller facilities for nocturnal escapades than the rickety tenement in the crowded street which must often have served as the boarding-house of the ordinary student society. The Hall-man must perforce have been turned out into the street for any recreation that he enjoyed. The College often included a garden, or at least a quadrangle, which made it possible to restrain to some extent the unattached student's unbounded liberty to haunt taverns and roam the town, alone or in noisy parties, at all hours of the day or night [1].

College discipline

Yet even in the College the discipline was at first by no means that of the modern schoolboy. The College was a

[1] The Statutes of Harcourt provide that 'nullus . . . bibat in taberna tabernarie sub pœna sex denariorum' (Bulæus, IV. 156). Does this mean 'tavern-wise' (i. e. perhaps, not as a 'bona fide traveller') or 'of a female tavern-keeper'? At the same College occurs a prohibition, 'ne aliqui de domo vadant de nocte ad choream vel processionem Nationis' (*ib.* p. 159).

self-governing community, obliged to obey its own Statutes and its own officers, but still a community like a monastery or a secular chapter, every member of which (no matter of what standing) was under tolerably strict discipline himself, while he was expected to take more or less part in maintaining the discipline of the House. At the annual chapter or scrutiny every member was invited (after the monastic fashion) freely to criticize the defects in his comrades' character and conduct [1]; and the College Statutes frequently enjoin a system of mutual espionage [2]. Although the senior members of the House were admitted to a share in the government from which the juniors were excluded, there did not exist that sharp distinction between governing and non-governing members, or graduate and non-graduate members, which we find in the College of more modern times [3]. All alike were students, though some of them might be teachers also. In the earlier College Statutes the discipline was much the same in its requirements for the Theologian of thirty and for the Artist of sixteen. The penalties are generally fines or forfeiture of commons, and, in cases of persistent obstinacy, expulsion. Occasionally we meet with the time-honoured custom of 'sconcing,' still

at first ecclesiastical rather than scholastic.

Sconces.

[1] An exceedingly amusing record of the 'Scrutinies' for 1338 and 1339 at Merton has been printed by Thorold Rogers, *Hist. of Agriculture and Prices*, II. (Oxford, 1866), p. 670 *sq.* One Fellow complains that another called the Warden by his Christian name 'coram omnibus.' Another demands 'quod capellanus corrigatur quoad calligas et ejus vestes;' another is also exercised 'de caligis Willelmi capellani;' another complains of the 'unhonest' boots of the Fellows themselves, &c. &c. Most of the complaints relate to violent quarrels and assaults; one suggests embezzlement of College funds. When there is no scrutiny, students were constantly called upon by the Statutes to inform against one another.

[2] 'Jurabit etiam quod si aliquem de sociis nouerit ebriosum tabernas uel inhonesta spectacula communiter usitantem contenciosum luxuriosum uel notabiliter uiciosum custodi seu eius (MS. eius seu) locum tenenti quamcicius honeste si comode poterit indilate reuelabit' (Statutes of Pembroke College, Cambridge, in the College Treasury).

[3] Except, indeed, when the junior members were more or less the personal servants of the Foundationers, as with the 'clerks' of the Sorbonne or the 'poor boys' of Queen's. I am speaking of the relation between regular members of the Foundation.

CH. XIV. preserved in the College halls of Oxford for offences against an elaborate and arbitrary code of undergraduate etiquette. But in the Middle Ages even grave offences were expiated in this jovial fashion, as for instance at the Sorbonne, where a Fellow who should assault or 'cruelly beat' a servant was to be mulcted in a quart (*sextarium*) of better wine, not for the benefit of the injured menial, but of his unharmed brother-fellows[1], no less than for what, according to modern ideas, would seem the minor offences of talking French or excessive hilarity at meals[2].

Register of the Sorbonne.

The fifteenth-century Register of the Sorbonne—one of the very few documents of the kind which has come down to us—is full of amusing cases of 'sconcing' alike for serious and for trifling breaches of College discipline, imposed now upon grave theologians and now upon their humbler and younger servitors or 'clerks.' A Doctor of Divinity is sconced a quart of wine for picking a pear off a tree in the College garden, or again for forgetting to shut the Chapel door, or for taking his meals in the kitchen[3]. Clerks are sconced a pint for 'very inordinately knocking' at the door during dinner, 2*s.* for being very drunk and committing many 'insolences' when in that condition[4], or a pint for 'confabulating' in the court late at night, and refusing to go to their chambers when ordered, or for asking for wine at the buttery in the name of a Master and consuming it

[1] *Chartul. Univ. Paris*, T. I. pt. i. No. 448.

[2] At the Cistercian College: 'Verbis latinis et non aliis, sub pœna solutionis unius pintæ vini qualibet vice assistentibus illico distribuendæ, loquantur' (Félibien, *Hist. de Paris*, III. p. 173 *b*). 'Sconces' are also imposed for other offences not serious enough to warrant 'disciplina regularis' (*ib.* p. 174). In the Collége de Cornouaille in 1380 scholars are required to behave themselves during meals and grace 'cessante temporibus prædictis quocumque clamore, tumultu, risu, ludo et quacumque inordinatione; et contrarium faciens puniatur in æstimatione unius quartæ vini mediocris . . . quod vinum inter socios compotabitur' (Félibien, III. p. 501). So it is forbidden to walk about the College 'cum calepodiis, id est cum patinis, sub pœna unius pintæ vini pro qualibet transgressione' (*ib.* p. 502).

[3] *Bibl. Nat. Cod. Lat.* No. 5494 A. ff. 2, 3, 6.

[4] *Ib* ff. 2, 5.

themselves[1]. The 'common clerk' or head cook is likewise sconced for 'badly preparing the meat for supper,' or for not putting salt in the soup[2]; and it would appear that, while the Fellows at least had the drinking of the sconces which they imposed upon members of their own body, the clerks were at times 'sconced' for the exclusive benefit of the Fellows. At all events, we find a clerk threatened with expulsion for saying that the Fellows were in the habit, when unable to gratify their bibulous propensities at their own expense, of finding excuses for sconcing the clerks, and drinking at theirs[3].

The medieval undergraduate and the modern.

In some respects the discipline under which these boy-undergraduates were placed was less strict than that to which men as old as the Masters of Arts of that day are subject in modern England. At the College of Navarre, for instance, so serious an offence as passing the night out of College was expiated by a fine of two *solidi*, only half the amount of the Artist's weekly table allowance[4]. At the same College a student might apparently have a guest to sleep with him for any period under a week without the Master's leave[5]. Where the regulations savour of antique rigour, it is in general the rigour of the Monastery rather than the rigour of a strict School—as, for instance, the requirement that all students below the grade of Bachelors

[1] *Bibl. Nat. Cod. Lat*, No. 5494A. ff. 6, 40 ('nomine magistri sui ut fingebat et non sic erat'); though on another occasion immorality followed by perjury is punished by a sconce of a quart *ib.* f. 8).

[2] *Ib.* ff 12, 21. The same official (f. 23) is admonished and fined a 'bachelor' of wine ('unum baccalarium vini de meliori ad extra') [i. e. not mere College wine] for being found 'penes Sanctum Andream de artibus (i. e. arcubus) cum una meretrice.' For having a 'meretrix' in his chamber on Lady-day a clerk is, however, expelled (*ib.* f. 29).

[3] 'Anno quo supra die x^{mo} octobris fuit potus clericus magistri nostri magistri Rolandi Guillelmus ad sex solidos parisienses propter verba scandalosa que de magistris protulerat ut pote quod magistri erant potatores et quando non habebant unde potare gratis quod ipsi inveniebant occasiones potandi suos clericos. Fuit etiam dictum quod si amodo in consimilia incideret quod de collegio expelleretur quoniam *unica prava pecus inficit omne pecus*' (*ib.* f. 2).

[4] Bulæus, IV. p. 91.

[5] *Ib.* It is possible that for a less period the leave of the Principal of the Artists was wanted.

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shall ask leave to go out and only walk the streets two and two, to avoid 'scandal.' The silence and bible-reading in Hall, the enforcement of punctuality at meals on pain of bread and water, the appointment of spies to inform against—not indeed (as in the cloister) all talking—but talking in the vulgar tongue, are other features of collegiate discipline which show the influence of monastic ideas.

Fasting.

Robert de Sorbonne, indeed, introduced into his College the rigid fasting of the monastic Houses, i. e. total abstention from food till after Vespers on all the fast-days of the winter season[1]. We meet with the same ascetic rule in other Colleges; elsewhere the younger scholars are expressly let off with mere 'abstinence' from meat[2]. Occasionally, as for instance in the very ecclesiastical Colleges of Toulouse, the monastic penalty of so many days' bread and water is prescribed for serious offences[3]; but such provisions are not found at Paris or Oxford.

Later development of flogging in Colleges at Paris;

At Paris there are no traces of corporal punishment in College Statutes except for Grammarians[4] before the sixteenth century. It first occurs in the exceptionally rigid code of Statutes drawn up for the College of Montaigu by the great College reformer, Jean Standonck, and is then prescribed only in case of violence or rebellion[5]. As late as 1540 another French College confines this punishment to

[1] 'Diebus jejunalibus a festo Omnium Sanctorum usque ad carnisprivium non comedatur in domo ista de bursa nisi in vesperiis et post omnes lectiones diurnas' (*Chartul.* T. I. pt. i. No. 448). In 1315, in accordance with the then general custom of the religious houses, dinner was put back to Nones, but in 1362 the house returned to its original usage. Hemeræus, MS. *Sorbonæ Origines*, ff. 33, 34.

[2] E.g. at a Toulouse College, all under twenty. Fournier, I. No. 631.

[3] E. g. eight days for introducing a woman into College. Fournier, I. No. 811.

[4] E.g. Félibien. III. p. 511.

[5] 'Pœnam subibit usque ad disciplinæ susceptionem' (Félibien, V. p. 734). Stoppages of food and monastic prostrations are also features of Standonc's very peculiar system. It should be observed that students in the monastic Colleges were, like other monks, subject to 'regular discipline.' In a College at Montpellier we hear of a student who said he was 18, but was believed to be over 21, forming a plot to wound or kill his Master 'quia verberabat eum sicut alios studentes' (*Cartulaire de M.* I. p. 542; cf. pp. 547–8).

Grammarians under fifteen years of age[1]. The Register of the Sorbonne shows, however, that flogging was occasionally resorted to in dealing with serious offences on the part of the clerks who, it must be remembered, were poor boys acting as the personal servitors of individual Fellows. Even in their case it is confined to such offences as assaults on other clerks, 'even to effusion of blood though moderate,' or kicking the 'common clerk,' or repeatedly sleeping out. In one instance it is allowed in the case of the younger clerks as an alternative to heavy sconces for stealing 'apples, pears, cherries, and grapes, in sufficiently large quantities' from the College garden[2]. The general principle of College discipline at the Sorbonne was that each Master was responsible for the behaviour of his clerk, for whose offences he was himself liable to be sconced. When corporal punishment was thought advisable, the Master was ordered to flog his own clerk or have him flogged by the boy's Master in the Schools[3]. The Fellows were very much disposed to take the part of their humble companions, and sometimes have to be sconced themselves for not carrying out the flogging orders of the College. On one occasion the Prior has to be likewise fined for not enforcing these sconces against a too indulgent Fellow[4]. In all these cases it is to be observed that there is nothing to show the age of the boys: they may in all cases have been mere Grammarians.

[1] In the College of Tours: 'Quas quidem pœnas pecuniarias non intelligimus habere locum in parvulis grammaticis minoribus quindecim annis; sed loco illarum pœnarum pecuniarium volumus quod puniantur per ipsum primarium virgis, moderate tamen et non sæviendo' (Félibien, III. p. 421).

[2] MS. Reg. ff. 4. 7, 40. In one case a clerk is expelled because 'nec correctionem nec monitionem a magistris sustinere volebat' (f. 41). Where the offence was an assault on a comrade (who was of course a clerk), the offender was usually directed to go to the Penitentiary for absolution. In one case of drawing a knife against another clerk (how far it was used does not appear) the College was satisfied with this penalty.

[3] 'Fuit etiam potus ad unum bachalarium de extra et iniunctum magistro suo quod ipse ipsum verberaret vel verberare faceret in scholis' (MS. Reg. f. 4).

[4] *Ib.* ff. 7, 8. In one case the Master 'dixit magistro qui verberabat in secundo ictu quod sufficiebat et per modum derisionis recessit.'

CH. XIV. and in England.

The prolongation of the whipping age to the verge of manhood is perhaps peculiar to the English Universities. Even at Oxford, however, the sanctity of the human person seems to have been as jealously respected as in a modern French Lycée during at least the first half of our period. The earliest exceptions occur in the second half of the fourteenth century, and are essentially of the rule-proving order. The Statutes of Queen's are the first Statutes of a secular College which prescribe this mode of correction: and then it is only the 'poor boys' who are to be in certain cases offered the alternative allowed in the well-known inscription at Winchester,

'Aut disce aut discede; manet sors tertia cædi.'

These boys, it may be remembered, were some of them Grammarians, who would be flogged as a matter of course like other schoolboys: some of them were or *may* have been Artists, but all were foundationers of the poorest class, whose prospects would have been ruined by expulsion from the College; yet even in their case it is contemplated as possible that when they had reached 'marriageable years,' they would kick against schoolboy discipline, and prefer the more serious but less humiliating alternative[1]. Even at Magdalen, founded in 1458, corporal punishment is only contemplated in the Grammar School, to which, it will be remembered, the younger Demies were sent. The Statutes of Brasenose—founded in 1509—are the first which exhibit the undergraduate completely stripped of all his medieval dignity, tamed, and reduced to

[1] 'Sic vero de mea consanguinitate vel aliunde per socios admissi ab hujusmodi eleemosyna non repellantur, nisi ob defectum morum vel profectus, . . . aut nisi, postquam annos attigerint nubiles, castigationes concernentes delicta seu eruditiones eorum, sive in curialitate sive in literatura, a superioribus suis quorum interierit imponendas suscipere et servare contempserint' (*Statutes*, p. 30). In the same Statutes 'castigatio' is denounced for not speaking in Latin or French, 'quam si sustinere noluerint pœnam incurrant paulo superius annotatam.' So, a little earlier, at Durham College the monks thought 'castigatio' a suitable punishment for their poor secular servitors. Wilkins, *Concilia* (1737), II. pp. 614 *a*, 615 *b*.

the schoolboy level, from which he did not begin to emerge again till towards the close of the seventeenth century. Here he is subjected to the birch at the discretion of the College Lecturer for unprepared lessons, playing, laughing or talking in lecture, making 'odious comparisons,' speaking English, disobeying the Lecturer, as well as for unpunctuality or non-attendance at Chapel, and other offences which fell under the cognizance of the Principal [1]. The Statutes of Dr. Caius for his College at Cambridge contain a precise definition as to the age after which personal correction was exchanged for a pecuniary fine. The Founder, who was a great disciplinarian, fixed the age at eighteen [2]. Wolsey's Statutes for Cardinal College put it at twenty [3]. The sixteenth century was the flogging age *par excellence* in the English Universities.

Reaction of Colleges upon University discipline.

In time the discipline of the Colleges began to react upon the discipline of the Halls and of the Universities generally. The very ample Statutes of the German Universities enable us to trace the gradual tightening of discipline which goes on till the sixteenth century is reached. The Statutes become increasingly minute and restrictive in their interference with all manner of 'unacademical' pleasures, in the strictness with which they require attendance at University and College exercises, including the Hall-dinner with its post-prandial disputations. A visit to the tavern, or even the kitchen of the College or Hall [4],

[1] 'Secundum discretionem Lectoris puniatur, et hoc poena pecuniaria; alioquin virga corrigatur' (*Statutes*, p. 15). 'Et volumus, quod illa particula, scilicet "vel virga corrigatur," conformiter intelligitur in omnibus aliis statutis poenalibus poena pecuniaria' (*ib.* p. 19).

[2] 'Adultos vocamus qui annum exegerint decimum octavum.' Caius seems to find a curious reason for the definition in the fact that 'ante eam ætatem et antiquitus et nostra memoria quoque braccas inducere adolescentia non solebat' (*Cambridge Documents*, II. p. 271).

[3] 'Si graduatus non fuerit nec vicesimum ætatis suæ annum compleverit, talis vel verberibus castigetur, vel prædictis pœnis aut aliis . . . ad arbitrium Decani et unius censoris . . . puniatur' (*Statutes*, p. 70).

[4] A scholar in the *Manuale Scholarium* complains: 'Et quod plus me intus cruciat, quater in coquina arreptus sum: postulant a me denarios. *Bartoldus.* Quo iure hoc faciunt? *Camillus.* Rogas? Sta-

CH. XIV. becomes a University offence[1]. In France the younger students are confined to their Halls, forbidden to pawn their clothes, and sent out to walk two and two under the supervision of a Master, in the melancholy fashion still characteristic of the Parisian Lycée[2]. In short, the beginning of the fourteenth century found the non-collegiate undergraduate a gentleman at large: the close of the fifteenth left him a mere schoolboy—though less completely so in Germany than at Paris and Oxford. The revolution is the more remarkable since the tendency seems to have been, if anything, to come up later than had been the case in earlier times[3].

Aularian Statutes at Oxford.

These remarks might be abundantly illustrated from the hitherto unpublished *Statuta Aularia* at Oxford. The mere enactment of a body of Statutes for the Halls by the authority of the University in place of the private Statutes enacted by the scholars, marks an important step in the extension of College discipline to the unendowed

tutum fecerunt, ne quis intret coquinam, nisi famulus sit aut causam quandam habeat urgentem' (Zarncke, *Die Deutschen Univ. im Mittelalt.*, Leipzig, 1857, I. p. 28. As to this Dialogue, see below, p. 629 *sq.*).

[1] We do, indeed, find such a prohibition as early as the Statutes of Erfurt—or, rather, a project for the original Code of Statutes, which does not appear to have been ever formally enacted. The silence of many later Codes—in spite of the general resemblance of the disciplinary clauses of different German University Statutes—perhaps indicates that the provision could not be practically carried out. The Statute provides: 'Item ad publicas tabernas non vadant in nocte seu in die nec ad alia loca inhonesta' (Weissenborn, *Acten*, II. p. 7). At Leipsic a similar provision does not occur till 1458. Zarncke, *Statutenbücher*, p. 59.

[2] Cf. the following Statutes of Angers in 1494: 'Caveant pedagogi, ne sui scholares sint vagabundi seu illicentiati domum exeant et ne vestimenta sua aut libros in extraordinariis victualibus et superfluis aut ludis exponant, sed domum clausam teneant, maxime crepusculo adveniente' (Fournier, I. No. 497). So again: 'Quod scholares hujusmodi non mittantur ad campos sine Magistro, qui eos ducat et reducat, regat et gubernet simul et in eodem loco, ut ad omnes possit advertere. et bini et bini incedant et redeant, maxime per villam' (*ib.*). The discipline of the smaller French Universities seems to have been particularly strict at this time: their Arts Faculties were, indeed, mere Schools for boys.

[3] Whereas at Paris a boy might be B.A. at fourteen, Leipsic forbids graduation 'nisi attigerit septimum decimum annum' (Zarncke, *Statutenbücher*, p. 331).

societies. Such a body of Statutes appears to have been enacted for the first time in the Chancellorship of Gilbert Kymer (1431–3 or 1446–53) 'by the discrete and mature advice and consent of the venerable Assembly of Masters and of the Principals of Halls.' Another body of Statutes was passed in the Chancellorship of John Russell, Bishop of Lincoln (1483–94)[1], and there can be little doubt that this is the Code which we have before us in the document printed as an Appendix to this work. The regulations are of much the same kind as we find in College Statutes, but (as is natural) rather less exacting. There are Statutes against swearing, games of chance, the art *bokelar*, 'unhonest garrulities,' walking abroad without a companion, being out after eight in winter or nine in summer, sharing a bed with a 'socius' without leave of the Principal, entering another man's chamber without his consent, 'odious comparisons of country to country, nobility to ignobility, Faculty to Faculty,' speaking English except at a 'gaude' or principal feast, and so on[2]. There are compulsory excursions into the country 'for the recreation, convenience, and honour of the community': but on ordinary occasions students are merely required in the customary manner to walk with a companion if possible. They are free to be absent from meals and receive an allowance in respect of unconsumed commons; but attendance is enforced not only at the lectures, recitations, and disputations of the Hall, but at the lectures and disputations of the University. All are required to hear Mass[3] daily and to attend University Sermons. After the

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[1] *Mun. Acad.* p. 358. This Statute, dated 1489, provides for the periodical reading of the Code in each Hall. There can therefore be little doubt that the MS. copy (Rawlinson Statutes, No. 34) was made at this date. Its existence has hitherto been quite unknown, the MS. being uncatalogued. It is printed below in Appendix XXX.

[2] 'Preterquam gaudiorum tempore et festorum principalium infra precinctum aule' (f. 4 *a*).

[3] 'Item quod quilibet infra aulam existens cotidie audiat missam et dicat matutinas et vesperas secundum exigenciam sui ordinis uel condicionis sub pena oboli' (f. 1 *a*). Matins and Vespers on ferial days can hardly be imposed upon persons not in holy orders. On Sundays and Festivals all were to attend

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evening potation[1] the community ended the day by singing the 'Antiphon of the Blessed Virgin' or *Salve Regina* together. A definite penalty is imposed for every offence, ranging from ¼*d.* for not speaking Latin to 6*s.* 8*d.* for assault with effusion of blood. In most cases the fine is limited to a few pence. No other penalty than a fine is authorized except in the case of boys who had been placed under the charge of a 'Tutor or creditor,' who was to be excused payment of the fine if he had undergone 'corporal chastisement' in public at the hands of the Principal on Saturday night[2]. As there is no indication that it was necessary for even the younger scholars in Halls to have such a Tutor, it may be inferred that it was a luxury of the rich[3].

Traces left of ancient autonomy in Halls.

It should be observed that even these Oxford Statutes which had for their very object to assert the authority of the University and of the Principals contain traces of the old Aularian self-government. Thus, though the Principal when once elected holds his office independently of the Students, the Students every week elect an 'Impositor' who is to enforce the observance of the Statutes. It would appear that he imposed the prescribed fines by his own authority and only reported the offences to the Principal at the weekly meeting or chapter of the whole community after the singing of the Antiphon on Saturday night. The

High Mass, Matins, and Vespers in the Parish Church. A Chapel in the Hall was exceptional.

[1] It is not quite clear whether this was observed only on Saturdays or every day. Sometimes we find this function specially associated with Saturday: elsewhere it seems to be a daily observance.

[2] 'Quod vnusquisque scolaris manens sub magistro tutore aut creditore subeat in noctibus sabatinis publice correccionem corporalem aut alias multam pecuniariam pro suis excessibus contra prefata statuta . . . non obstante quod magister suus tutor curator aut creditor suus tunc dixerit se illos excessus correxisse' (*l. c.* f. 9). (This is the first occurrence of the word *Tutor* that I know of. For the English 'Creansyr' in this sense, see Murray's *New Eng. Dict.* It is perhaps implied that other very young scholars were treated in the same way.

[3] It was probably a Tutor of this kind who is alluded to in one of the *Paston Letters* (ed. Fenn, London, 1787, I. p. 144), where the mother of Clement Paston sends a message to his Tutor (not in the University) desiring 'that he wyll trewly belassch hym tyll he wyll amend, and so did the last Maystr and ye best that euer he had att Caumbrege.'

fines go to the 'community.' Moreover, offenders refusing to submit to them are to be expelled 'by the authority of the Principal and community[1].'

Latin-speaking and the 'lupus.'

One feature of the discipline of the later medieval College is too curious to be passed over. We have already noticed how invariable is the insistence in the Statutes upon speaking in Latin. How far such a regulation was really enforced in the early Colleges or Halls it is difficult to conjecture. But, when the undergraduate had been fairly tamed, we find a widely spread system of spies called 'lupi,' who were secretly appointed by the Masters to inform against 'vulgarisantes,' as the offenders were called who persisted in the use of their mother-tongue. We get constant allusions to this practice in the 'Manuale Scholarium' which emanated from Heidelberg towards the close of the fifteenth century[2], and the appointment of 'wolves' is required by some of the German Statutes[3]. There is no express evidence in any English College Statutes of a corresponding practice, but it appears in the seventeenth-century Statutes of Harrow School[4], and was possibly not unknown in the Universities at a time when there was very little difference between the discipline of a College and that of a Grammar School.

Bachelors.

In the later medieval period, when the Bachelorship of Arts had acquired greater importance than it once possessed, the Bachelor enjoyed a good deal more personal liberty than was accorded to the younger boys. At Navarre, for instance, he is allowed to walk abroad by himself, while the undergraduate was required to have an 'honest companion[5].'

[1] *Statutes*, ff. 8, 9.

[2] 'BARTOLDUS. Quid te sollicitat? CAMILLUS. Obsecro, animadverte: duodecies fuerim in lupo! . . . B. Quis erat? C. Haut scio. . . . Dabo operam, perscrutabor ipsum; tandem postea iniuriam hanc ulciscar' (Zarncke, *Die Deutschen Univ. im Mittelalt.* p. 28). So at Bâle (Vischer, p. 152a): 'Item rector burse diligenter provideat de signatore vulgarisancium quem lupum vocant, qui vulgarisantes fideliter signet et se nulli manifestet sub debito fidei sue rectori debite' (*c.* 1466 A.D.).

[3] Zarncke, *Statutenbücher*, p. 477 (A.D. 1499).

[4] *The Commem. of the Tercentenary of Harrow School*, Harrow, 1871, p. xxvii *sq.*

[5] Launoi, *Reg. Nav. Gymn. Hist.* (1687), I. p. 33.

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Both classes of students were, however, it would seem, accompanied by the Vice-Master to University Sermons and into the country, when leave was given for that purpose [1].

The Bejaunus and his Deposition or Initiation.

Student initiations.

Amid all variations in the degree of his subjection to Masters or University authorities, the medieval undergraduate was everywhere and at all times bound by a far more intolerant and inflexible code of student etiquette. We have already noticed the hoary antiquity and the widespread prevalence of the custom of student-initiation. Three deeply rooted instincts of human nature combined to put this custom beyond the reach of magisterial suppression [2]. It gratified alike the bullying instinct, the

[1] Launoi, I. 103 (A.D. 1404).

[2] A Statute on this subject was passed by the University of Paris in 1341 (Bulæus, IV. p. 266: *Chartul.* T. II. No. 1057): 'Et quia plurimorum frequentius querelas accipimus, quod nonnulli per eorum potentiam bona simplicium scolarium occasione bejaunie sue rapiunt, nisi eis satisfiat de bejaunia, quam etiam mala malis accumulantes taxare nituntur pro libito voluntatis, et sic in hoc magnam partem sue pecunie coacti per raptores hujusmodi exponunt, de qua possent diutius in studio sustentari: hinc est quod nos attendentes predicta, nec non insultus, verbera, et alia pericula que solent exinde evenire, quodque etiam per talia plures a nostro distrahuntur studio, quod in nostri et prelibati studii redundat non modicam lesionem . . . sic duximus ordinandum.' The Statute goes on to forbid such exactions by any students 'exceptis sociis, cum quibus inhabitat, qui pro bejaunia domus poterunt recipere, dum tamen predicti bejauni hoc offerant spontanea voluntate.' 'Jurati' were to be deprived; 'non jurati' to be expelled 'a nostro consortio;' but how little control the University had at this time over the 'non jurati' is illustrated by the fact that it is obliged to order the Proctors to proceed against the offenders before the Official. So at Ingolstadt: 'Venerabile nostrum collegium decrevit quod decanus potestatem habeat vexatores et tribulatores novellorum studentum, quos beanos vocant, arbitraria pœna mulctare pœnamque sic inflictam in suos convertere usus' (Prantl, *Gesch. d. Univ. in Ingolstadt*, II. p. 103). A form of proclamation by a 'Conventor' (the Head of a Hall) forbids his students 'cornua, ut ipsi vocant, deponere, aut contra scamna aut alio quocunque modo socios suos ducere, sub pena duorum solidorum irremissibiliter persolvendorum' (*l. c.*). The 'contra scamna ducere' probably implies the proceeding in vogue at Aix (see below, p. 635, n. 1). At Valence it is forbidden even to call a freshman 'bejaunus,' or to put straws in his books, or to practise 'other vanities' (Fournier, III. No. 1842). In 1465 'quedam secta

social instinct, and the desire to find at once the excuse and the means for a carouse. First, the *bejaunus* or 'yellow-bill' (*bec-jaune*), as the academic fledgeling was styled, must be hoaxed and bullied; then he must be welcomed as a comrade; finally his 'jocund advent' must be celebrated by a feast to be provided at his own expense. The development of these initiations is one of the most curious episodes in University history. At first we meet with severe and sweeping prohibitions against all exaction of 'bejaunia' from the unfortunate youth whose little purse, intended to meet perhaps his first year's expenses, was liable to be half emptied by what sometimes amounted to a raid upon the hard-earned proceeds of a parent's lifetime. Gradually we find restrictions upon the number of guests taking the place of total prohibition: and from the authoritative sanction there is a gradual process to the authoritative requirement of the 'Depositio cornuum.' In the sixteenth century it has become in the German Universities an obligatory academical ceremonial like Matriculation or Determination [1].

Repression gives way to patronage.

A curious account of a freshman's experiences has come down to us in an already mentioned 'Scholar's Manual' of the fifteenth or early sixteenth century—a kind of medieval 'Verdant Green [2].' The story illustrates how the badger-

A medieval 'Verdant Green.'

abbatia bejaunorum vulgariter nuncupata' is suppressed at Montpellier (*Ib.* II. No. 1166). At Paris in 1488 the Statute of 1341 is only re-enacted with the saving clause 'præter spontaneam et moderatam Regis [Twelfth-night King] oblationem ac pecuniam noviter venientium qui vulgo Bejauni nominantur' (Bulæus, V. p. 783), which seems to imply that the 'Bejaunia' is now compulsory.

[1] This stage would seem to have been reached at Greifswald by 1456: 'Item a beano pro ipsius beanii depositione non plus tertia parte floreni exigere aut exigi promittere debent bursarum rectores. Item depositio beanii fieri debet in collegiis aut regentiis, nisi deponens filius fuerit alicuius incole huius ciuitatis, uel saltem licentiam habuerit decani et suorum assessorum specialem' (Kosegarten, II. p. 304). So at Rostock earlier (*circa* 1419); Westphalen, *Diplomatarium*, IV. cc. 1014-1016. A College Statute at Paris as early as 1380 requires that 'pro jocundo . . . adventu solvat unusquisque secundum personæ suæ qualitatem et secundum quantitatem facultatum suarum,' &c. Félibien, III. p. 504.

[2] The book consists of a series of Dialogues intended apparently in part as a *répertoire* of the Latinity

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ing or 'hazing' (as the American students call it) of the Bejaunus has gradually assumed a stereotyped form. The raw youth from the country is supposed to be a wild beast who has got to lay aside his horns before he can be received into the refined society of his new home. By this time the actual ceremony of 'depositio' has become a solemn University function, patronized though not actually conducted by the University authorities. The student is first represented as conversing with his new Master, whom he asks to arrange for his 'Depositio,' and entreats to let the expenses be as moderate as possible[1]. Then, after returning from Matriculation before the Rector, he is visited in his room by two of the students. They pretend to be investigating the source of an abominable odour which has reached their nostrils. At last they discover the cause; it is the newcomer, whom they take to be a wild boar. A closer inspection reveals that it is a 'beanus,' a creature that they have heard of but never seen. Then follows much chaff about the wild glare in his eye, the length of his ears, the ferocious aspect of his tusks, and so on. Then with mock sympathy it is suggested that the horns and other excrescences may be removed by an operation—the so-called 'Deposition.' The ceremony is apparently rehearsed in rough horse-play. The victim's face is smeared with soap or something of the kind by way of ointment; his ears are clipped; his beard cut; the tusks removed with a saw; and so on. Finally, they are afraid that the operation will be fatal: the patient must be shriven without delay. One of them feigns himself a Priest, and puts his ear to his

The Deposition rehearsed.

which a Scholar would require for conversational purposes at the University. It was published as a dateless black-letter book, and is reprinted by Zarncke in *Die Deutschen Universitäten im Mittelalter* (Beitrag, I. Leipzig, 1857). I have been quite unable to do justice to the graphic and vivid presentation of the scene.

[1] 'DISC. Optime præceptor, divitiæ parvæ mihi sunt. Ne prorsus sumptuosa collatio fiat, apprime rogo, neque etiam volo, quod nimium extenuetur ac honestas offendatur in re, sed mediocritas retineatur cum consuetudine. MAG. Probe intelligo. Vocabo igitur tres magistros et baccalaureos duos et quosdam de sociis meis' (i. e. pupils or boarders); *l. c.* p. 4.

mouth. His confession is repeated, word for word, by the confessor. The boy is made to accuse himself of all sorts of enormities: as a penance for which he is enjoined to provide a sumptuous banquet for his new Masters and comrades; and so he is led off to the Depositio proper.

The public Deposition.

The nature of the actual ceremony may be perhaps inferred from the anticipatory sketch of our two students. The victim appears to have been in some way dressed up in a cap adorned with horns and long ears to resemble a wild beast, and was then planed, sawn, or drubbed into shape with whatever varieties of insult or torture the wit, ingenuity, or brutality of different Universities might suggest[1]. A little book published in the sixteenth century contains pictorial representations of the scene. There is a procession headed by a Master in his academical dress and followed by students in a sort of masquerading costume. Then there is a representation of the planing down of the bejaunus extended upon a table, while a saw lies upon the ground, suggestive of the actual de-horning of the beast. Finally, his nose is held to the grindstone by one student while another turns the handle[2]. The work itself and later apologies[3] for the institution mention among the instruments of torture a comb and scissors for cutting the victim's hair, an *auriscalpium* for his ears, a knife for cutting his nails; while the ceremony further appears to include the adornment of the youth's chin with a beard by means of burned cork or other pigment, and the administration, internal or external, of salt and wine. In some

[1] Cf. Ennen, *Gesch. d. Stadt Köln*, III. p. 881.

[2] Dinkel, *De origine, causis, typo et ceremoniis illius ritus, qui vulgo in Scholis Depositio appellatur*, Erfordiæ, 1578 (a very rare work). It includes the 'Judicium reverendi patris D. Doctoris Martini Lutheri, de Depositione,' delivered on occasion of his taking part in one of these functions, and attempting to give a moral and symbolical turn to the ceremony. The Reformer's words were often quoted, and may perhaps have helped to postpone the extinction of the barbarity for a century or two.

[3] E. g. Valentinus Hoffmann, *Laus depositionis beanorum*, Jenæ, 1657; Gellius, *De depositione academica*, Lipsiæ, 1689. The former contains a speech from a student who presided as *Depositor* on one of these occasions.

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Universities the dose of salt was eventually reserved as a penalty for refusal to submit to a certain 'Musical Examination' with which the proceedings concluded—a feature of the Depositio which will be recalled by readers of the classical story of English Public School life in the present century.

Deposition peculiar to Germany.

The particular ceremony of Deposition, it should be observed, is only heard of in the German Universities; but the system of extorting money and otherwise badgering or initiating 'bejauni' was all but universal [1]. In Germany the 'deposition' gradually paved the way for the so-called 'pennalism,' a system of brutal bullying and fagging of juniors by seniors which exceeds in barbarity anything which the annals of the English Public Schools in their worst days have to record. The system reached its height in the seventeenth century, and long defied all the efforts of Professors and Governments to put it down [2].

Initiations in France.

In Southern France the initiation of *Bejauni* assumed a somewhat different form. Here the freshman was not a wild beast who had to be civilized, but a criminal who had to be tried and admitted to the purgation of this peculiar form of original sin. At Avignon the conduct of this 'purgation of freshmen' was made the primary object of a religious Confraternity, formed under high ecclesiastical sanction, with a chapel of its own in the Dominican Church. While, as the preamble piously boasts, it was the object of the institution to put a stop to the 'nefarious and incredible enormities,' the drunkenness and immorality [3],

Guild of S. Sebastian at Avignon.

[1] For the bibliography of the subject, see Pernwerth von Bärnstein, *Ubi sunt qui ante nos in mundo fuere?* Würzburg, 1882, p. 103 *sq.*

[2] For a pathetic account of the sufferings of a poor boy often reduced to the verge of starvation by the depredations of the 'Bacchante' or older student who lived upon his beggings, see the *Autobiography of Thomas Platter* (E. T., London, 1839). I abstain from borrowing further illustrations from this source because (1) the date is somewhat too late; (2) the state of things described seems to have been peculiar to Germany and Switzerland; (3) none of the Schools frequented by these troops of wandering scholars were (so far as appears) Universities.

[3] 'Adjicientes predictis ut morum servetur honestas et viciorum macula profugetur ut prefati novicii sive bejauni non audeant sumpto con-

which usually characterized this celebration, the Statutes still compel the 'bejaunus,' except in cases of sworn poverty, to contribute six *grossi* to the funds of the Guild. A noble or beneficed student paid double, and if on temperance principles he wished to limit the expense of the banquet usually given by a new-comer, he might redeem it by a further payment to the funds of the Confraternity, to be spent 'to the honour of God and of S. Sebastian.' The 'purgation of his infection' was to be enforced by 'the capture of books[1].' Once enrolled as a member of the Guild, the freshman lost the 'base name' of bejaunus, and after a year's residence attained the 'honourable name' of student. By what ceremony over and above the compulsory subscription the purgation was carried out, does not distinctly appear; but, as we find that the Guild appointed two officers called 'Promotors' whose business it was to 'accuse' the freshmen, some sort of mock trial seems to be indicated. These fooleries contrast oddly with the provisions for Masses and Sermons with which the same Statutes are largely occupied. To the medieval mind there was probably nothing incongruous in the juxtaposition, though it is curious to find Apostolical sanction solemnly given to such a barefaced act of theft as the 'capture of books.' This particular instrument of extortion—strikingly suggestive of the workman's mode of enforcing class tyranny by the abstraction of tools—seems to have been the usual one in French Universities[2].

vivio pro meretricibus consociis aliquid impendere, per hoc illum ritum dampnabilem annulantes,' &c. (Fournier, *Une corporation d'étudiants en Droit en* 1441 [reprinted from *Nouvelle Revue historique de Droit*], Paris, 1887, pp. 16, 17). The following details are taken from the Statutes and documents there printed.

[1] 'Ad quorum solutionem per captionem librorum compellantur, sanctissime nostre confratrie utilitatibus et gloriosissimis operibus ejusdem fideliter applicandis' (*ib.* p. 15). It is not clear whether the banquet was defrayed out of these contributions or whether such entertainment was only expected in the case of the rich.

[2] At Orleans such extortions from Bejauni, 'per captionem, ablationem vel subtractionem librorum, unius vel plurium, aut aliorum pignorum,' is forbidden under pain of excommunication. Fournier, I. No. 167. Two years later (*ib.* No. 174) the Bishop again denounces any compulsion 'ut amplius expensis et injuriis

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Abbatial Court at Avignon.

From the same University of Avignon chance has brought down to us the 'Statutes of the venerable Abbatial Court of this famous College of S. Nicholas,' i. e. the College of Annecy. This is the only documentary evidence that has come down to us as to the proceedings of those 'Abbots' whom students are so often forbidden by University and College Statutes to elect. The Abbot holds a Court twice a week. The object of the institution is not merely to conduct the 'purgation' of 'Bejaunia' (like the Confraternity of S. Sebastian) when the freshman has served his time, but to enforce a series of minute regulations respecting his habitual behaviour. The freshmen are to serve the seniors at table, not to stand between them and the fire in the hall, to give place to them on all occasions, not to sit at the first table in hall, and not to call one another 'Sir' (*domine*). Several Statutes relate to the especial duties of the junior man (*de officio ultimi*) in Chapel and elsewhere. Some of the regulations bear on all members of the College, or 'monks' as they are styled, and are enforced by fines: but the offences of the Bejaunus are expiated by a certain number of blows with a wooden spoon or ferule (*patella*). Moreover, every freshman received one such blow, apart from any special misconduct, every time the Abbot held his Court. After a certain term of good behaviour, the freshman was allowed to 'purge his freshmanship' by holding a 'repetition' upon an assigned *punctum* of the Institutes, and defending it against his brother-freshman (in imitation of the Inception), after which followed the actual purgation, of which we can ascertain no more than that it was a ceremony involving the use of water[1].

Purgation

A Statute of the neighbouring University of Aix enables

aggraventur ad solvendum hujusmodi bejannium suum seu suum novum adventum ad tabernam ducentes et, ut ovis ad occisionem ducitur, accedere compellentes; . . . et ex hiis commersationes, ebrietates, turpiloquia, lasscivie, pernoctationes, tam in huiusmodi taberna quam per villam de nocte incedendo, fractiones ostiorum, ut de aliis taceamus, oriuntur enormiter et insurgunt.' Cf. also No. 175.

[1] Fournier, *Statuts des Univ. Françaises*, II. No. 1343.

us to fill up the hiatus in our knowledge of the 'purgation' at Avignon. It there appears that, after the freshman had been duly accused by the promotor, he was sentenced to receive a certain number of blows with a book or a frying-pan. On the highly philosophical principle that 'infinity may be avoided,' it was, however, prescribed that each freshman should not receive more than three blows from each of an unspecified number of students, but, if there were 'noble or honourable ladies' present, the Rector might, upon their intercession, reduce the punishment to one from each operator[1].

at Aix.

Similar customs at Paris,

No details happen to have come down to us of the customs in vogue at Paris, but they were no doubt very similar to those of the less famous French Universities. The Register of the Sorbonne contains a chance allusion to the election of an 'Abbot' and to a 'washing' of freshmen on Innocents' Day, a ceremony which was preceded by a procession in which the unfortunate 'bejans' were carried through the streets upon asses[2]. Allusions to

[1] The details are difficult to make out. The Rector is required to give notice that freshmen shall submit to purgation within a month 'cum pena purgationis fiende in studio, sub libro super annum' (*sic*), but then goes on to prescribe that (apparently in all cases, even when there was no refusal to pay the 'bejaunia') 'quia nonnulli sunt alacres et jucundi, et in purgatione forte excederent, dando super annum aut femora bejanorum .., et ut infinitas sit vitanda, quod feratur sententia per dominum promotorem, quod quilibet det dicto bejano tres ictus aut minus, et non ultra, reservata misericordia domini rectoris ad preces nobilium mulierum sive honestarum, si ibidem reperiantur; et lata sententia, dominus promotor intimet sententiam domino rectori, et an demandabitur executioni, offerendo sibi sartaginem [a frying-pan], qua primo percutiet, si sibi videatur; et quod procedatur honeste' (Fournier, *Statuts des Univ. Franç.*, II. No. 1582a). As to the meaning of 'quilibet,' it is not clear whether this means every student present or the Rector, Promotor, and three students who were to be appointed to assist them in the purgation. Dr. Chavernac (*Hist. d'Aix*, p. 108) mentions the interesting fact that the word *bec-jaunes* (corrupted into 'pigeons') was used in his youth among the students of Aix, and that he has heard peasants in the Basses-Alpes say 'vous payerez le béjaune.' The junior class in some of the Scotch Universities was called the 'Bajan class' till very recently.

[2] 'Anno quo supra (1476–7) condemnatus fuit in crastino Innocentum capellanus abbas Beannorum ad octo solidos parisienses exponendos in vino eo quod non expleuisset officium suum die Innocentum post prandium in mundatione Beannorum

CH. XIV. and in England.

similar customs are found in other Parisian Colleges[1]. As to the form which the bullying of freshmen assumed at the English Universities we are entirely in the dark, unless we may draw inferences from the 'tucking' and compulsory speech-making under pain of salt and water which lingered on, at Merton and elsewhere, to the end of the seventeenth century[2].

Academical Dress and Clerical Status.

Undergraduate's dress clerical rather than academical.

A treatise on medieval Universities must needs give some account of the origin of those academical costumes which do more perhaps to impress the imagination with a sense of the medieval origin of University institutions than is

per aspersionem aque ut moris est quanquam sollemniter recepisset exercere suum officium ante prandium in ducendo beannos per vicum super asinum' (f. 73).

[1] Some idea of the universality of these customs may be gained from the fact that they had invaded the cloisters of the austere Cistercians. The Statutes of the Cistercian College at Paris, drawn up in 1493, forbid 'omnes receptiones noviter venientium, quos voluntaria opinione *Bejanos* nuncupare solent, cum suis consequentiis, necnon bajulationes, fibrationes, reliquasque omnes insolentias et levitates circa quoscumque noviter venientes, tam in capitulo, in dormitorio, in parvis scholis, in jardinis quam ubi ubi, et tam de die quam de nocte... fieri prohibemus... abbatis *Bejanorum* nomen penitus delendo, ac deinceps nominari prohibendo.' The 'vasa, munimenta et instrumenta' used in these 'levitates' are to be surrendered (Félibien, *Hist. de Paris*, T. III. p. 170). The interpretation of this Statute must be left to the reader's imagination, aided by the evidence as to Avignon and Aix. 'Bajulationes' and 'fibrationes' would seem to denote some form of personal violence; but Ducange does not help us.

[2] At Merton the freshmen on certain evenings before Christmas had to 'speake some pretty apothegme, or make a jest or bull, or speake some eloquent nonsense' under pain of 'tucking' (i. e. cutting open the chin with the thumb-nail), and on Shrove Tuesday had to make a speech which was rewarded by 'cawdle,' or salted drink, or a mixture of the two (with more 'tucking' if necessary), according to its quality. These customs did not survive the Commonwealth. See the *Life and Times of Anthony Wood* (ed. Clark, Oxf. Hist. Soc. 1891), I. pp. 133-4, 138-9. At Exeter a similar custom was stopped by a rising of freshmen headed by the great Whig statesman, Anthony Ashley, afterwards first Earl of Shaftesbury. Christie, *Life of Shaftesbury*, London, 1871, I. pp. 17, 18. At S. Andrews a custom lingers by which the freshman has the right to demand a packet of raisins from any freshman he meets who has not previously paid this due. This is a clear relic of the *bejaunia*.

perhaps warranted by their real antiquity. It can hardly, indeed, be said that in the Middle Ages there was, for the undergraduate, anything which can properly be called academical dress at all. In the Italian Universities the Statutes contemplate that students will wear the long black garment known as a 'cappa,' but aim rather at limiting the cost than at prescribing the form of his costume[1]. In the Parisian Universities every student was supposed to be a clerk, and was required by custom or Statute to wear the tonsure and the clerical habit[2]. We find Statutes in abundance against various forms of 'indecent,' 'unhonest,' 'dissolute,' or merely 'secular' apparel—such as 'trunk-hose,' puffed sleeves, pointed shoes, red or green boots, and the like. At Heidelberg it was even thought necessary to

[1] At Vienna in 1456 'desiderabant Consiliarii Regii, quatenus studentes aliquo signo notarentur, ut statuto more studentium in Italia ab aliis differrent non studentibus' (*Conspectus Hist. Univ. Vienn.* I. p. 178). Was it just because the Italian student was not bound by Master-made Statutes that he did not object to academical dress?

[2] In the list of Proctorial duties in *Mun. Acad. Oxon.* p. 110, we find a clause, 'Contra non habentes habitum et tonsuram decentes.' So at Prague (*Mon. Univ. Prag.* p. 50) the B.A. was required to swear 'quod portabit habitum et tonsuram clericales.' In England we never find the clericality of a University student questioned. In some of the German Universities it appears to have been possible to dispute his clerical immunities if he did not dress and shave clerically. Thus, at Leipsic, a scholar of Law, who had thrown a stone at a Master of Arts while the latter was looking out of window, objected to the jurisdiction of the Official of Merseburg on the ground that plaintiff 'non clericus sed laicus existat, quod ad oculum demonstro per eius barbe delacionem,' which should be accepted till he proves 'se clericum ordinatum quod nondum credo.' It seems to be implied in what follows that a student on matriculation could claim to be a clerk or not, as he pleased (*Urkundenbuch*, ed. Stübel, p. 77). This was in 1445. A year later, significantly enough, there appears a decree 'quod nullus doctor, magister aut scolaris, in clericatu existens, barbam nutrire præsumat' (Zarncke, *Statutenbücher d. Univ. Leip.* p. 15). In 1496 (*ib.* p. 19) we find 'uxorati' exempted from some of the provisions as to dress, showing clearly that the original idea of academical dress was simply based on the fact that students were clerks. In Italy there is no trace of any scholars being treated as clerks except those regularly admitted by the Bishop. Thus at Padua the Bishop 'Vitalianum ... scolarem ... ordinavit in clericum' (Gloria, *Mon.* 1318-1405, T. II. p. 28). So 'promovit ad primam tonsuram clericalem Petrum ... scolarem' (*ib.* p. 33).

forbid students from going out without boots 'unless clad in a garment reaching to the heels[1].' But the shape and pattern of these garments would appear to have varied a good deal according to the vanities of individual taste or changing fashion. No particular form of garment was prescribed by University authority: the undergraduate's dress was in no sense an official costume. The differentia of clerical dress was apparently supposed to lie in the outer garment being of a certain length and closed in front. But it was only in the latter part of our period that it was expected to reach to the heels, or at least well below the knee: and the restriction to black is not common[2] till even later. In the Colleges only parti-coloured garments were regarded as secular: it was usual for graduate and undergraduate alike to wear a 'livery,' i. e. clothes of the usual clerical shape but of uniform colour and material; just as the boys of Christ's Hospital wear a uniform dress of a particular colour, which is, however, in its general shape, merely the ordinary dress of the sixteenth-century schoolboy. The Christ's Hospitallers with their long coats and bands (which are of course merely a clerical collar) are a survival from a time when all students were supposed to be clerks. So at the College of Navarre the livery was to be of black[3]; at the College of Beauvais, 'blue or

[1] 'Ita quod de cetero nullus incedat publice in via discaligatus, nisi inductus [i. e. indutus] fuerit veste talari, qua corpus suum decenter sit coopertum, sub pena vnius floreni' (Hautz, *Gesch. d. Univ. Heid.* II. p. 398). At Cologne, the Artist (unless a servitor) 'utatur honesta veste talari aut indecenter non accurtata, toga videlicet aut tabhardo plicas non ligatas habente, et capucio honesto cum corneta in plateis aut aliis locis extra bursam' (A. D. 1457) (Bianco, I. Anl. p. 74; cf. p. 51). So at Leipsic, in 1537, it is ordered 'quod nullus scholasticorum in collegio vel iuxta collegium scurriliter incedat, puta in diploide et tibialibus duntaxat, sine tunicella, in dedecus collegii et scandalum virginum et mulierum honestarum necnon ceterorum hominum intrantium et exeuntium collegium, sub pœna quinque grossorum' (Zarncke, *Statutenbücher*, p. 240).

[2] It is found at Rostock, where the scholar 'incedere debet cum toga pro veste exteriori panni nigri ... undique clausa talari vel quasi,' but coloured hoods are allowed (Westphalen, *Diplomatarium*, IV. c. 1031). Cf. above, vol. I. p. 196 *sq.*

[3] 'Tabardas vel houssias de bruneta nigra' (Bulaeus, IV. 92). As the

violet[1].' The colour of the liveries in our English Colleges is seldom prescribed by Statute, though the Queen's men at Oxford were required to wear blood-red, but differences of colour and ornament as badges of different Colleges still survive in the undergraduate gowns of Cambridge. CH. XIV.

A distinctively academical or official garment was at first confined to Masters. This garment was not the modern gown or *toga*, but the *cappa* or cope, with a border and hood of minever. The word *cappa* was indeed used to denote merely the ordinary full-dress outer garment worn by the secular clergy out of doors[2], and it is difficult to say how far the early statutes on the subject do more than insist on Masters appearing at all public functions in the full dress of the order to which they belonged. It is impossible to trace the stages by which the magisterial *cappa* acquired a more or less peculiar and distinctive aspect. Its use—at least its compulsory use—was confined to Regents and sometimes to 'ordinary' lectures and other full-dress functions. A particular form of it—the sleeved cappa—came to be the distinctive dress of Bachelors[3]. The magisterial *cappa*.

Statutes of Orleans allowed this garment to be worn in riding (Fournier, I. No. 26), it may be presumed that it was shorter than the *cappa*.

[1] Félibien, I. p. 669.

[2] See *Materials for Hist. of Th. Becket*, ed. Robertson, VI. p. 604; Labbe; *Concilia* (Ven. 1784). T. XXVI. f. 431. So in 1248 we hear (*Reg. d'Inn. IV*, ed. Berger, No. 4123) that 'Judæi diœcesis Magalonensis et circumpositorum locorum, non sine ordinis clericalis injuria capas rotundas et largas more clericorum et sacerdotium deferre præsumant, propter quod sæpe contingit ut a peregrinis et advenis eis tanquam sacerdotibus honor et reverentia præstentur.' The external resemblance between a Jew and a Doctor of Divinity was still a joke in the days of the *Epistolæ Obscurorum Virorum* (ed. Münch, Leipzig, 1827, p. 84). The cappa of the Oxford M.A. disappeared about the beginning of the sixteenth century, when we find the Regents granting themselves wholesale dispensations from its use. The Statutes of many Universities allowed a 'tabard' to be worn at Extraordinary Lectures, or a 'cappa rugata' or 'cappa manicata.' The 'epitogium,' or at least an 'epitogium longum,' appears to have differed slightly from the 'cappa,' but was generally allowed as an alternative to it. At other times, however, it is treated as synonymous with or equivalent to the 'Tabarda.' Another form of the 'Cappa' is styled 'Pallium.'

[3] Bulæus, IV. p. 258: *Chartul.* T.

CH. XIV. But though the strictness with which the use of the *cappa* is insisted on varies in different Universities, Colleges, and periods, it was, at Paris at least, quite open to an undergraduate to wear a *cappa* if he pleased[1]. At first this garment appears to have been black in the case of all Faculties. But at some time between the middle of the thirteenth[2] and the middle of the fourteenth century a brighter hue was adopted by Doctors of the Superior Faculties, usually some shade of red or purple. At Paris the Rectors wore violet or purple, the Masters scarlet, with tippets and hoods of fur[3]. The hood was not originally restricted to Masters, being part of the ordinary clerical

Hoods.

II. No. 1024, where it is also enforced on scholars at Disputations. The Statutes of Navarre provide that 'illi qui determinaverint, cappam habeant de perso vel alio uno et eodem colore honesto' (Launoi, I. p. 32). In the same house the Theologians 'tabaldas seu houssias longas habeant cujuscunque coloris voluerint, honesti tamen et unius coloris et ejusdem; et Baccalarii cappas rotundas ejusdem coloris' (*ib.* p. 35). From Bulæus, IV. p. 280, it appears that the 'cappæ' of Determiners were 'manicatæ' (with sleeves). At King's Hall, Cambridge, the undergraduate is required to wear 'robam talarem,' the B.A. 'robam cum Tabardo gradui suo competentem' (Rymer, *Fœdera*, III. (1740), pt. iii. p. 94).

[1] Thus the ascetic reformer of the College of Montaigu, Jean Standonc, as late as 1501, orders that scholars of all degrees shall be provided 'de chlamyde seu pallio ante clauso, instar clamydum seu capparum quibus in vico straminis magistri artium figurato utuntur . . . item de capitio seu camaldo,' &c. The Theologian's 'cappa' is to be black, the Artist's 'de panno griseo ad nigrum magis tendente' (Félibien, V. p. 730). So at earlier Colleges. Cf. *l. c.* III. pp. 376, 382; V. p. 641. A scholar (? of the thirteenth century) inveighs against rich men who turn their *cappæ* instead of giving them to poor scholars (*Carmina Burana*, ed. Schmeller, p. 75). Cf. the Statutes of Toulouse in 1304, where secular students, especially Bachelors, are admonished, 'ut manticis longis vel cappis manicatis utuntur, prout in honorabili Parisiensi studio . . . observatur' (Devic and Vaissette, *Hist. Gen. de Languedoc*, VII. p. 545).

[2] Some say after the adoption of scarlet by Cardinals during the Pontificate of Innocent IV. Dubarle (I. 143) ascribes it to Benedict XII.

[3] At Paris (as at Oxford) the Doctors of all Superior Faculties wore red; Bulæus, I. p. 388. The Rector wore purple with a cap, and apparently stockings, of the same colour. *Ib.* I. p. 227. Richer, describing the robes of his own day, says (*MS. Hist.* f. 128 *b*) 'quattuor Procuratores Nationum purpurea induti, Doctores in Medicina et in Decretis capa purpurea ornati, Doctores quoque in Theologia cum capis et caputio pelliculis ornato.' 'Habits rouges' (*rubeæ*) are often mentioned as characteristic of Doctors of Canon Law. At

dress of the period, and was not even exclusively clerical. It is only the material of the hood which was characteristic of degree or office. The use of minever hoods—still worn by the Oxford Proctors—was generally confined to Masters, except in the case of nobles and well-beneficed ecclesiastics. Bachelors of all Faculties wore hoods of lamb's wool or rabbit's fur[1]. Silk hoods came in, perhaps towards the end of the fourteenth century, as a summer alternative for Masters, whose winter fur hoods were something more than an honorary appendage in the unwarmed Schools and Churches of medieval times[2]. The biretta[3], a square cap with a tuft on the top (in lieu of the very modern tassel), was the distinctive badge of the Mastership[4]: Doctors of

Biretta or pileum.

Salamanca, in Rangeand's time, the latter appeared 'en habits rouges et verts,' the Doctors of Theology in white, and the Medical Doctors in 'habit de couleur pâle' (*Hist. de l'Un. d'Angers*, II. p. 341). In England, however, scarlet was certainly worn by D.D.'s. The M.D. of Caen (where Paris customs prevailed) was to appear 'in capa rotunda ... de bruneta violetta et similiter in pileo illius coloris' (Fournier, III. No. 1652).

[1] At Oxford, Doctors of Divinity also wore lamb's wool instead of minever. *Mun. Acad.* p. 393.

[2] *Mun. Acad.* pp. 283, 301: *Chartul. Univ. Paris*, T. II. App. p. 696. In 1444, Benedictine Licentiates or Bachelors of Divinity or Decrees wear 'caputia capparum scholasticarum cum buggio furrata... siue cum sindone nigro linita' (Reyner, *Apost. Benedictorum*, App. Pt. iii. p. 136). B.D.'s still wear black silk hoods. At Oxford, undergraduates lost their hoods altogether in 1489, 'nisi liripipium consuetum... et non contextum,' presumably the little black stuff hood worn by 'Sophisters' in the Schools till within living memory. Cf. *Cambridge Documents*, I. p. 402.

[3] In general the term 'biretta' seems to be used where the cap was square, 'pileum' when round. Gascoigne, in his Theological Dictionary (ap. Bulæum, II. p. 257), tells us that at Oxford the round cap was worn by Doctors in all the Superior Faculties: he declares that this ornament was bestowed by God himself on the Doctors of the Mosaic Law. Later, the round velvet cap with coloured silk ribbon was worn by Doctors of Law and Medicine only, by whom it is occasionally still worn on state occasions at Oxford, and more frequently at Cambridge. So at Caen: 'angulo carens in signum carentie sordium, quia ubi angulus, ibi sordes esse dicuntur' (Fournier, III. No. 1718). A less gorgeous round cap is worn by the Oxford Bedels.

[4] The undergraduate seems from an early period to have coveted this distinction. Cf. Prantl, *Ingolstadt*, II. p. 113. Lodge's print of Oxford costumes (end of seventeenth century) shows the B.A. and the foundation-scholar wearing the square cap but without the tuft,

CH. XIV. superior Faculties wore birettas or other caps of red or violet[1]. In the Faculties of Law and Medicine the place of the biretta was usually taken by a 'pileum[2]' more or less resembling the round caps still worn on state occasions by Oxford and Cambridge Doctors in those Faculties, and at Oxford also by the Bedels. It is only in post-medieval times that the biretta, first without, then with the sacred 'apex,' has been usurped first by Bachelors, then by undergraduates, and now (outside the Universities) even by mere choristers or schoolboys.

The Tabard. When the *cappa* was not required, Master and scholar alike wore clerical garments of a less formal character, described by a great variety of names, of which the commonest is 'tabard.' Cursory lectures, for instance, might be delivered in this garment. Some Statutes forbid the assumption of a girdle round the waist by simple students;

Cincture. by others it is prescribed and the removal of the girdle at graduation is treated as symbolic of emancipation from the

other undergraduates and graduates in Law and Medicine wearing round caps. At a later period, the tasselless cap was worn only by Servitors and Bible-clerks. It is still worn by the choir-boys of Oxford Colleges. At Paris students of Theology in the Cistercian College were in 1335 allowed to wear 'nigra bireta,' though formerly worn only by Bachelors. Félibien, III. p. 175.

[1] Launoi, *Hist. Gymn. Nav.* I. pp. 199, 200. At Perpignan white is the distinctive colour of Theology, green of Canon Law, sanguine of Medicine, and 'livid' of Arts. Fournier, II. No. 1517. Cf. *Chartul.* T. III. No. 1708.

[2] So Bulæus, *Remarques sur la dign. du R.* p. 24. The hood of the Rector and Proctors, but not the tippets, had disappeared in Du Boullai's day, though still worn by 'les adjoints des dits Procureurs' (*ib.* p. 25). It is curious that everywhere else throughout Europe, hoods have disappeared and tippets remained: in England the hoods remain while the tippets have disappeared, though Cambridge hoods retain traces of them, and the Cambridge Proctors wear their hoods tippet-wise. A curious piece of Rectorial and Proctorial dress survives in a rudimentary form in the robes of Oxford Proctors and Pro-Proctors, i. e. the purse now reduced to a triangular bunch of stuff at the back of the shoulder. It is presumably a survival from the very earliest period, when Rector and Proctors were primarily collectors and expenders of common funds (see above, I. 313 *sq.* p. 313 *sq.*). At Paris, the Rector in Du Boullai's time and earlier the Proctors wore 'une grande bourse violette à sa ceinture' (*Remarques*, &c., p. 25). A purse is also mentioned among the insignia of the D.C.L. at Oxford. *Correspondence of Bekynton*, ed. Williams, 1872, I. 275.

status pupillaris. In some Universities it formed part of the distinctive costume of graduates in Law and Medicine.

Conservatism of dress at Cambridge.

Oxford has not been conservative in the matter of costume: in that, as in more important matters, the Laudian age did its best to obliterate the very remembrance of the medieval past. It is probable that no gown now worn in Oxford has much resemblance to its medieval ancestor. The Oxford scarlet Convocation habit worn by Doctors of Superior Faculties over their ordinary gown is still called a *cappa*, but it has not retained its ancient shape. If the antiquary wants to see a true medieval *cappa* he must go to Cambridge upon a degree-day. There he will find the presiding Vice-Chancellor and the Professors who present for degrees in the Superior Faculties arrayed in a garment which exactly resembles a fourteenth-century miniature of the Chancellor contained in the precious 'Chancellor's book' of Oxford. It is a sleeveless scarlet cloak lined with minever, with a tippet and hood of the same material fastened thereto[1]. The *toga* was originally, it would appear, simply an unofficial robe or cassock worn under the *cappa* — much the same as the tabard, but probably longer. Gradually it assumed the form of a distinctively academical dress, which, in the case of Masters of Arts, has entirely superseded their ancient black *cappa*[2]. The medieval toga was, however, originally by no means

[1] That this was the original form is clear from the question which, according to John of Salisbury, was often debated in the Schools of his day, viz. whether a man who buys a 'tota cappa' had bought the hood also (*Metalog.* I. cap. 3). Cf. the following passages in the *Dictionarius* of Johannes de Garlandia (ed. Scheler, *Lexog. lat. du XIIe et du XIIIe siècle*, p. 25): 'Quidam declamatores pelliciorum reparandorum discurrunt per plateas civitatis et reparant *furaturas epitogiorum et palliorum*, eorum partem furando.' A Statute of Heidelberg requires the M.A. to incept 'cappa nigra vario subducta vel ad minus in habitu novo vario vel serico subtracto' (Hautz, *Gesch. d. Univ. Heid.* II. p. 352). As to the difference between the *cappa* and the *pallium* (often prescribed as synonyms or alternatives, cf. *Carmina Burana* (ed. Schmeller, p. 75):

'Contra frigus hiemis
Pallium cappare,
Veris ad introitum
Cappam palliare.'

[2] So at Prague, a Statute of 1367, forbidding Masters to attend the acts of the Faculty 'absque tabardo vel habitu sui gradus' (*Mon. Univ. Prag.*

CH. XIV. distinguished by the sobriety of hue characteristic of modern clerical tailordom. In Oxford the prejudice ran in favour of green, blue, or blood-colour[1]. In the universal change to sombre black we may see a symbol of the way in which sixteenth-century austerity eclipsed the warmth and colour of medieval life.

Meaning of *clericus.*

'The philosophy of clothes' in its application to the medieval Universities is a less superficial matter than might at first sight appear. It throws much light upon the relation of the Universities to the Church—a question often debated with more zeal than knowledge by writers who imagine themselves to have some polemical interest in the issue. The misconceptions which prevail on the subject are due to an inadequate appreciation of the meaning attached to clericality in the Middle Ages. Even Savigny treats the term 'clericus,' when used of a medieval student, as a synonym for 'scholaris' without any distinctive meaning[2]. The Bishop of Oxford, on the other hand—if I may venture to criticise so learned a medievalist—seems to assume that every *clericus* was necessarily in minor orders[3]. The fact is that clericality in the Middle

I. pt. i. p. 9), makes no mention of the *cappa*, though still worn by Doctors and Bachelors of Theology (*ib.* p. 99).

[1] See the numerous wills proved in the Chancellor's Court at Oxford (*Mun. Acad.* 505–727), which clearly show the distinction between the *cappa* and the *toga*. The first was an academical or at least a clerical garment, the latter was worn also by citizens.

[2] Savigny, cap. xxi. § 72. He adds that the right of carrying arms conferred by the Statutes does not suit the ecclesiastical state: but the Chancellor of Oxford, who was often a Priest, enjoyed a similar right, which was a necessary protection in the discharge of his duties. *Mun. Acad.* p. 355.

[3] In the *Report of Ecclesiastical Courts Commission* (London, 1883, Historical Appendix, p. 26), Bp Stubbs remarks 'That the functions of an ecclesiastical judge should be exercised only by persons qualified by the possession of Holy Orders, seems to have been a principle so universally admitted as to require no general enactment.' In support of his contention, he quotes prohibitions of *laymen* exercising such offices. It is probable that most ecclesiastical judges had received minor orders (which are not *holy* orders) or at least the tonsure from a Bishop; but graduates in Canon Law seem often to have acted as ecclesiastical judges—at least in Oxford—though only *clerici* in the same sense as other scholars.

Ages, though it did not necessarily imply even the lowest grade of minor orders, did imply a great deal. The adoption of the clerical tonsure and dress conferred, so long as the wearer continued celibate, the immunities and privileges of the clerical order—exemption from the secular courts, personal inviolability and the like—in as ample a measure as they could be enjoyed by the Bishop or the Priest. The singers and servers of Churches—predecessors of our modern 'Parish Clerks' and Cathedral 'Lay Clerks'—the judges and practitioners of the ecclesiastical Courts, at one time many of the secular judges[1] and lawyers, as well as a host of 'clerks' in the service of the Crown or the great nobles, belonged to this class. The lowest of the people often took the clerical tonsure simply in order to get 'benefit of clergy': to become a 'clerk' was in fact at one time equivalent to taking a licence to commit murder or outrage with comparative impunity. The relation between clerkship and the minor orders is, however, an obscure subject. According to the Canon Law the conferment of the tonsure is quite a distinct act from the admission to the order of 'Ostiarius': but the ceremony has to be performed by the Bishop or some specially privileged dignitary. It would be difficult to say what proportion of the medieval 'clerks' were actually in minor orders. As a rule it would appear from the episcopal registers that the tonsure was conferred at the same time as the lowest grade of minor orders—that of Ostiarius. But there is no evidence that the students of Oxford or Paris had as a rule received either the clerical tonsure or the order of Ostiarius from a Bishop, and yet they are always regarded as clerks[2]. Had any formal ceremony been considered essential to clericality, it is one which would be certain to be sometimes neglected, and we should find attempts to enforce

[1] An early Commission of Assize is always addressed to a certain number of *clerici* and a certain number of *milites*.

[2] I am informed that the tonsure is still sometimes conferred on Seminarists of the Roman Church without any ceremony, but in that case it is not technically considered the *tonsura clericalis*.

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its observance: but there is no trace of any such attempts[1]. It would appear therefore that nobody but the barber officiated at the ceremony[2], though no doubt the tonsure had to be formally made over again by the Bishop before ordination. Large numbers both of graduate and undergraduate scholars were of course either in holy or in minor orders; but, if they took orders, it was in order to hold a benefice, not to qualify themselves for any University office or position. Only in the Faculty of Theology were holy orders—in some Universities Priest's orders—required for the Doctorate. Orders were not required for even the highest University offices—such as the Chancellorship at Oxford; or in the case of the earliest Colleges, either for a Headship or a Fellowship. The gradual increase—at least in the English Universities—of Fellowships which required holy orders, was due mainly to two causes. In the first place the Colleges were mostly designed for Theologians, who had to take holy orders at that stage of their career at which it became necessary for them to preach; and secondly, it was a subsidiary object of most College-founders to get masses said for their souls, and

Orders only required in Theological Faculties.

[1] The only exception I have met with is at the Lombard College in Paris, where a Statute provides 'Quod predicti domus scholares sint et esse debeant clerici de Italia et de legitimo matrimonio nati, et quod illi qui ad presens clerici non existunt, promittent et facient se insigniri caractere clericali infra festum nativitatis beati Johannis-Baptistæ proxime venturum' (Félibien, III. p. 428). Here it is evident that a formal tonsuring by the Bishop is meant. This was a regulation made by Italians for Italian scholars, and in Italy scholars were not treated as *clerici*, unless regularly admitted 'ad tonsuram clericalem' by the Bishop. Even at Paris we find an oath administered to Determiners 'habebitis coronam irreprehensibilem, si gaudeatis beneficio corone' (*Chartul. Univ. Paris.* T. II. App. p. 673). Still, the enjoyment of clerical privileges in the University never seems to be dependent upon regular admission to the tonsure, and that a University scholar might be not *canonically* 'tonsewryd,' at least in England, is proved by *Paston Letters*, ed. Gairdner, 1872, II. p. 239.

[2] A Canon of the Second Council of Nicæa (embodied in Dec. Grat. P. I. Dist. lxix. c. 1) begins: 'Quoniam uidemus multos sine manus impositione a paruula etate tonsuram clerici accipientes, nondumque ab episcopo manus inpositione percepta super ambonem irregulariter in collecta legentes.' The irregularity would seem to have lingered in Northern Europe.

a Priest alone could say masses. In Germany and Spain the tendency to make University and College offices clerical, in the modern sense of the word, was promoted by the practice of endowing Professorships with prebendal stalls.

Celibacy of Regents.

In the University of the Northern type the teacher, like the learner, though not necessarily ordained, was an ecclesiastic. But the only serious obligation which his ecclesiastical status imposed upon him was celibacy[1]. If a Master married, he lost his Regency[2]. It was not till the Reform of Estouteville in 1454 that this regulation was modified at Paris even in the case of the least ecclesiastical of the Faculties—that of Medicine[3]. As to the marriage of the scholar, the case is not quite clear; it is possible that he would at one time have lost the privileges of 'scholarity,' just as an ordinary *clericus* in strict law lost his benefit of clergy; but in fifteenth-century Oxford we find married scholars not unknown[4]. As he would be certainly in-

[1] The tonsured clerk, though allowed to marry, lost the privileges of a *clericus*, and was exonerated from the duty of wearing the tonsure and *habitus clericalis*. Decretal. Greg. IX. Lib. III. Tit. iii. cap. 7, 8, 9. But there was much inconsistency both of theory and practice on this subject.

[2] He could, of course, retain it (just as he could become a priest or monk) by divorcing his wife. Jourdain, *Index*, No. 301; *Chartul. Univ. Paris.* T. II. No. 565.

[3] Bulæus, IV. pp. 894-5. Before being admitted 'ad lecturam suorum cursuum,' i. e. to M.B, the student was required to swear that he was not married. In 1395 it was decided that a Licentiate who had married after taking his M.B. might be formally licensed though he might not continue his Regency afterwards. Jourdain, *Index*, No. 928. Priests, it will be remembered, could not study Medicine without a dispensation. In the South-German Universities, married graduates and undergraduates are occasionally contemplated. Cf. Kosegarten, *Greifswald*, II. p. 36. The often-cited case of the early German—not (as sometimes stated) Parisian—Doctor, Manegald, whose wife and daughters were also teachers, is not to the point, since it appears that they were 'religione florentes' (Ricardus Pictaviensis ap. Martène, *Ampl. Coll.* V. c. 1169), i. e. nuns. Of course, a married man could be a Master when his wife had become a nun.

[4] In 1459, an Indenture between Town and Gown at Oxford has a proviso 'that if eny clerk or Scoler, havyng a wyf and houshold within the precinct of the Universite, or eny Scolers servant, sell eny opyn merchandise . . . as touching such merchandising, they be tailliable,' &c. *Mun. Acad.* p. 347.

CH. XIV. capacitated for taking a degree, it is clear that the married undergraduate would be at most an exceptional anomaly. The prohibition of marriage in College Fellows—whether express or implied—was not due to any desire to make the Colleges 'monastic,' but was simply a part of the already established system of the Universities in which they were situated.

Charivari. In the less ecclesiastical Universities of Southern Europe there was, as we have seen, no objection to the marriage of either Doctor or student. At the University of Aix a resident Doctor or student who married was required to pay 'charivari' to the University, the amount varying with the degree or status of the man, and being increased if the bride was a widow. Refusal to submit to this statutable extortion was punished by the assemblage of students at the summons of the Rector 'with frying-pans, bassoons, and horns' at the house of the newly married couple[1]. Continued recusancy was followed by the piling up of dirt in front of their door upon every Feast-day. The Statute concludes by justifying these injunctions on the ground that the money extorted was devoted to 'divine service[2].' In the Colleges, even in Italy, celibacy was required because it was the education of ecclesiastics that the pious Founders usually wished to promote.

Lectures.

Hours of lecture. We must now endeavour to picture to ourselves the way in which the average student passed his time. The records at our disposal are seldom sufficient to enable us to say exactly how many hours a day were usually or necessarily spent in study. I shall not therefore attempt to reproduce in detail a day in a medieval University. It seems to have

[1] I am informed by a clergyman in a poor district of S. E. London that his parishioners are in the habit of going to other parishes to be married by stealth, to avoid similar demonstrations, which cannot now (it appears) be averted by the payment of 'charivari.'

[2] Fournier, *Statuts des Univ. Franç.*, III. No. 1582.

been usual to attend as a *maximum* three lectures a day[1], but it is hardly possible to say how long they lasted. Besides this there were 'Exercitia' or disputations[2] of various kinds, and 'Resumpciones'[3], which seem to have been informal and catechetical classes of small numbers, at which scholars were examined upon the subject of their lectures by the Lecturer himself or some other Master or Bachelor. In the latter part of our period the scene of

[1] At Heidelberg, we find a Statute 'Ut scolares magis disciplinari valeant, ordinavit facultas (Artium), quod quilibet scolaris in posterum promovendus ad maius audiat tres lectiones in die cum diligencia' (Hautz, *Gesch. d. Univ. Heid.* II. p. 347). At Leipsic (in 1410) a scholar is only allowed to hear 'duas lecciones in die de libris ad gradus;' no third lecture being counted 'nisi Priscianum breviorem et loyicam Hesbri' (Zarncke, *Statutenbücher*, p. 310). At Greifswald the student was to attend two or three lectures and two 'exercitia' a day. Kosegarten, II. pp. 308, 310.

[2] For the use of 'Exercitium' and 'Disputacio' as synonyms, see Zarncke, *Statutenbücher d. Univ. Leipzig*, p. 394; Kosegarten, *Greifswald*, II. pp. 219, 301, 302, 310. In some Universities it seems to have been usual to have disputations in the subject-matter of each book lectured on, as at Ingolstadt, where the Lecturer on each book was to take the 'Exercitium eidem annexum' (Prantl, II. 50). Perhaps in these cases the 'Exercitium' was less sharply distinguished from the 'Resumpcio.'

[3] In a Statute of Leipsic in 1483 occurs the best explanation of the *Resumpcio* which I have been able to find: 'Item placuit, quod omnes resumpciones publice, a quibuscunque fiant, debent fieri de licentia decani et seniorum et per modum examinis, ita quod scolares diligenter examinentur et audiantur, ut eorum ignoranciæ succurratur. Si autem resumens voluerit aliquid pronuncciare, ut a scolaribus materia habeatur, faciat hoc uno die, sequenti vero reexaminando, sub pœna privacionis pastus eiusdem resumpcionis,' &c. (Zarncke, *l. c.* pp. 394–5). Four Masters were annually appointed to conduct such 'Resumpciones' (*ib.* 458–9). At Ingolstadt, a little later (1473), none are to resume to more than 12 scholars or 8 B.A.s (Prantl, II. p. 50). The Resumption was held twice a day for scholars, and once a day for Bachelors (*ib.* II. p. 74). Elsewhere the Resumpcio is explained as a 'summary examination' of the matter of a previous disputation. The Resumpcio is no doubt much the same as the Repetitio of Bologna, a term used at Cambridge; at King's College, 'Quotidie fiat repeticio lectionis præcedentis ante lecturam novæ lectionis' (Doc. ap. Rogers, *Hist. of Agriculture and Prices*, III., Oxford, 1882, p. 741). In the old *Statuta Aularia* (f. 4) of Oxford it is provided 'quod lecturam matutinam in aula et post meridianam *recitacionem* eiusdem quilibet in facultate sua diligenter et attente obseruet.' This *resumptio* by the scholars themselves is no doubt the original form of the institution (see above, I. p. 497), which at Oxford was not so early superseded by magisterial superintendence as elsewhere.

CH. XIV. these less formal observances seems to have been the College or Hall rather than the public Schools; and there is a tendency to increase the number and the compulsoriness of these more private lessons[1]. No doubt the growth of these supplementary College lectures was connected partly as cause and partly as effect with the improvement in discipline which has already been noticed. The history of the medieval Universities, regarded on their higher intellectual side, is in the main a history of decline and decay. In the Universities of the fifteenth century the intellectual ferment of the days of Aquinas was no more: the intellectual life which always attends the discovery of new knowledge had passed away. But it is not clear that for the average student the fifteenth-century University was not a better place of education than the University of the thirteenth. The lectures may have been better worth hearing in the public Schools of thirteenth-century Paris: but —so far as the scantiness of the earlier records enables us to judge—the average student was compelled to do more work and given more assistance in the Halls and Colleges of the later Middle Age than he was in the days when the Friars and the Seculars were contending for the control of European education. It is no unfamiliar experience to find that what is the best education for the exceptional man is the worst possible education for the rank and file. In particular, as has already been incidentally noticed, that improvement in grammatical education and Latin writing which was quite independent of the Italian influence, but which to a large extent prepared the way for the reception of Renaissance ideas in Northern Europe, may be distinctly traced to the improved educational methods of the Parisian and Oxonian Colleges[2]. How well recognized this improvement and its cause were at the time may be inferred from the fact that in the course of the fifteenth century it was proposed to reform the

[1] See e. g. Félibien, V. p. 669.

[2] Thus at Leipsic, in 1499, the *Resumpcio* included instruction in Latin verse-making and Prose ('modum epistolandi'). Zarncke, *Statutenbücher*, pp. 458–9.

University of Lisbon by establishing in it 'Colleges on the model of those of Oxford and Paris[1]' with the express purpose of correcting the prevailing 'ignorance of Latin.'

Divine Service.

In earlier times, as has been already said, it appears quite plain that the average student did not attend Mass or any other religious service before going to lecture. It is recorded as a piece of extraordinary piety in canonized Saints that they were in the habit of hearing Mass at an early hour[2]. Among scholars, as in the community generally, church-going seems to have increased in the later Middle Age. At Vienna we hear that a bell rang for the whole hour between five and six to rouse those who wanted to hear Mass before their day's work began[3]. But attendance was not compulsory. Even in Colleges the earlier Statutes enjoin attendance at Church or Chapel only on Sundays, Holidays, and Vigils[4]. At Oxford the Statutes of New College are the first which require a daily attendance at Mass; but towards the end of the fifteenth century we find that daily Mass was enforced even on the students in the unendowed Halls[5]. Such attendance was

Mass not compulsory.

[1] 'Collegios a exemplo dos de Oxonia e Paris' (Braga, *Hist. d. Univ. de Coimbra*, I. p. 143).

[2] The University of Oxford, in asking for the canonization of Edmund Rich, expressly says that he attended Mass before lecture, 'supra morem tunc legentium' (*Collectanea*, II. p. 188). Cf. the case of S. Thomas of Cantilupe in *A. SS.* Oct. T. I. p. 545

[3] Kink (*Gesch. d. K. Univ. zu Wien*, I. Pt. i. p. 37) cites the account of John Hindernbach, a student of Vienna (B.A. in 1437): 'Ante diem vero in ipso diluculo sub pulsu Primarum mos est, campanellam per horam ante diem compulsare, quo se studentes ad missarum solemnia præparent.'

[4] At Nantes, as late as 1461, the Pædagogus is only to take his scholars to Mass 'ante jentaculum' on Sundays and Festivals. Fournier, III. No. 1595.

[5] Goulet, *Compendium*, f. viii. *b*; Oxford old *Stat. Aularia*, f. 1. By the Statutes of S. Nicolas de Lipara at Paris, the scholars are required 'interesse qualibet nocte Matutinis' (Bulæus, IV. p. 140): but such a provision is exceptional. The requirement of Confession four times a year is rare. Félibien, III. p. 510. They are sometimes required to attend University sermons. A Statute of the Coll. des Cholets in 1415 requires Mass to be said at 7 a.m.: 'itaque pro missis audiendis discurrendi occasio bursariis amputabitur' (Jourdain, p. 235).

CH. XIV. not, however, necessarily before morning lecture. Lectures began at about 6 a.m., though in some Universities and Colleges the hour of the first lecture or Mass is as early as 5 a.m.[1] in the summer, and as late as 7 in winter[2]. In practice it is probable that the time varied with the season, though they often began in the dark without artificial light. Medieval lectures often lasted much more than the conventional hour of a softer age: in some cases the prescribed period for the first morning's lecture is no less than three hours[3].

Meals.

Breakfast a luxury.

Mr. Anstey, the Editor of the *Munimenta Academica*, finding no record of any meal before dinner, confidently assumed that breakfast must have taken place not later than 7 a.m.[4]. It is natural that an Oxford Tutor should find it impossible to believe in the non-existence of that all-important meal of modern Oxford. But the Empiricist might well point to Mr. Anstey's incredulity as an apt illustration of his doctrine that inconceivability is no test of truth. It is abundantly evident that, so far as regular meals or College allowances are concerned, no provision was

[1] So at Leipsic (*Statutenbücher*, p. 338), and Toulouse (Fournier, I. No. 691). A Statute of a Paris College (undated) requires students to rise at 5, go to Chapel, and attend lectures at 6 a.m. Félibien, V. p. 517. Cf. Péries, *La Fac. de Droit*, p. 109, where a Law lecture begins at 5. A Paris Statute of the fourteenth century complains that Masters go to the Schools at the hour of second mass, 'quo tempore suas lectiones secundum antiquam consuetudinem merito pro majori parte deberent finiuisse. Unde ipsis magistris eo quod lectiones suas in sacra pagina audire nequeant generatur præjudicium, scholaribus eo quod aptiorem partem diei somno deducunt in damnum' (Bulæus, IV. p. 412).

[2] At Padua, lectures begin 'in crepusculo' (*Stat. Jur. Patav.* f. 76 *a*). So at Cologne, 'Disputatio ordinaria incipiatur in tribus quartalibus anni ante hyemem hora sexta, et in hyeme hora septima' (1392). Bianco, I. Anl. p. 62. Cf. Kosegarten, *Greifswald*, II. p. 302. But as these passages refer to disputations, lectures may have begun earlier.

[3] E.g. at Perpignan (Fournier, III. No. 1485, p. 667). This was in Law: in Arts a lecture would probably be much shorter to allow of a 'repetitio' immediately afterwards.

[4] *Mun. Acad.* p. lxxv. The passage which Mr. Anstey quotes to show that 'lectures began at 9 o'clock' refers to Determinations.

Dinner,

usually made for any food before dinner at 10 a.m.[1] The earliest College Statutes which contemplate anything of the kind treat it as an indulgence to weaker brethren: at one of them it is only to boys under twenty that bread and wine may be 'temperately ministered' in addition to the two regular meals[2]. Even in the fifteenth and sixteenth centuries, when the 'jentaculum' or early breakfast had passed into a regular institution, it was still regarded as an 'extra' which the hardier and more economical student would dispense with. The period from 6 to 10 was the most sacred time of the day for study and lectures. After dinner at 10 or (later) 11, followed perhaps by a post-prandial disputation, there was a short interval for exercise and relaxation, in so far as such indulgences were supposed to be necessary[3]. Lectures or disputations were resumed again

and after dinner.

[1] In the thirteenth century, when we hear nothing of 'jentacula,' dinner may have been earlier.

[2] A Statute of the College of Verdala at Toulouse, in 1337, after a prohibition of any allowance of victuals away from the common table, continues: 'Per hoc autem prohibere non intendimus quo minus pueris minoribus viginti annis pro victu proprio indigentibus panis et vinum extra comestionem communem temperate valeant ministrari' (Fournier, I. No. 593). So in the Statutes of the King's Hall at Cambridge in 1380 (Rymer, *Fœdera*, 1740, III. pt. iii. p. 94): 'Quantum vero ad Gentacula, dictis scolaribus ministranda, ordinatione Custodis et Senescallorum volumus observari.' At Queen's, Oxford (*Statutes*, p. 19), 'gentacula preciosa' are forbidden, which may indicate that some breakfast was usually taken. An allowance of bread and wine is permitted in the sixteenth-century Statutes of the College of Spain at Bologna. *Stat. Coll. Hisp.* f. xvi. So Standonc (*c.* 1500) allows a crust of bread by way of 'jentaculum' to the boys, but not to the Theologians. The old Oxford Aularian Statutes (f. 5) forbid access to the 'promptuarium' or kitchen 'causa prandendi, *jantandi*, cenandi, aut batellandi.' I may remark that 'battellare' originally meant to pay for something *extra* (like the Cambridge 'to size,' or 'sizings'); 'battels' are always distinguished from 'commons,' though the word is now applied to all College bills. (The Winchester Colleger's weekly pocket-money is still called 'battlings.') Even in the seventeenth century, breakfast consisted of a piece of bread and pewter of beer, consumed in the buttery or in the man's own room. It was thus the first meal that was taken in rooms. See Wordsworth, *Social Life at the English Universities in the Eighteenth Century*, Cambridge, 1874, p. 122 *sq.* Cf. also Erasmus, *Opp.* I. cc. 863, 865, 866 (references which I owe to Mr. P. S. Allen).

[3] Islip's Statutes for Canterbury College provide that 'cum post vesperas communiter scholares spatiari et aerem capere paulisper consueverant, volumus quod socii qui spa-

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perhaps at 12 or 1, and the ideal student was no doubt supposed to study till supper-time at 5[1]. On Fast-days in some Colleges dinner was at 12 and supper disappeared. In many Colleges and Halls there was some kind of disputation (in Germany styled *Exercitium bursale*) in the evening[2]; but on the whole it would appear that the evening, or part of it, was usually in the main considered the time for whatever amusement medieval student-life allowed. Amusement was, however, a thing which the medieval ideal of student life hardly admitted at all: but the evening was certainly the time when the less industrious student took his amusement[3]. Even in the comparatively disciplined Halls of the fifteenth century, the boys roamed the streets freely till 8 or 9 o'clock; though by the end of this period life in some of the stricter Colleges had been reduced to a round of lectures and exercises which left little space for any recreation except what may have been supplied by the 'honest jokes' with which the Tutor is sometimes required to entertain the company after dinner and the half-hour's light disputation which followed it[4]. Wandering in the

Supper: evening work or amusement.

tiari volunt, adinvicem se conferant et ambulent, bini et bini de doctrina vel de honestis solatiis conferendo, et sic simul redeant tempestivi' (Wilkins, *Concilia*, III. p. 54). Walking alone was not merely unmonastic; it was considered undignified or 'bad form' for persons of the least consideration. We find Masters warned against it in a commentary on the *De Disciplina Scholarium*.

[1] At Greifswald, the regular hours for Lecture (for Jurists) appear to be 6 a.m., 9 a.m., 4 p.m., not including the 'Vespertinum exercitium' after supper. Kosegarten, I. p 92. At Ingolstadt the possible hours (in winter) were 8 and 11 a.m., 1, 2, 3, and 5 (*post cenam*) p.m. Prantl, *Gesch. d. Univ. Ingolstadt*, II. p. 109 *sq.*

[2] At Ingolstadt (in 1473) this was followed by a 'publica conversatio,' presided over by the 'Conventor'—no doubt for practice in Latin, a note of the dawning Renaissance. Prantl, II. p. 50.

[3] Cf. the *Carmina Burana* (ed. Schmeller), p. 73:

'Stratu contempto summo te mane levato,
Facque legendo moram quartam dumtaxat ad horam,
Quinta sume cibum, vinum bibe, sed moderatum,
Et pransus breviter dormi, vel lude parumper.
. . . . . .
Si tempus superest, post cenam ludere prodest.'

[4] See the regulations for Louvain in 1476, below, App. XXIX.

town or evening exercises over, at curfew the company reassembled in the hall or parlour, and had a 'drinking' or (as it was called in Monasteries) 'collation[1]' before going to bed, a refection sometimes closely associated with the singing of the Antiphon of the Virgin or *Salve Regina*—the usual form of evening prayer in scholastic communities. CH. XIV. Collation and evening Antiphon.

Standard of Living.

But before pursuing the subject of medieval amusements it may be well to examine a little more in detail the ordinary mode of life in the Hospicium or College. Exaggerated accounts are often given of the poverty of the medieval student—especially of the class for which the Colleges were intended. The University students of that age were drawn from every class of society, excluding probably as a rule the very lowest, though not excluding the very poorest. The scale of living varied as widely as the social position of the scholars. There was the scion of the princely or noble house who lived in the style to which he was accustomed at home, in a hostel of his own with a numerous 'familia,' including poorer but well-born youths who dressed like him and acted as his 'socii' or humble companions, a chaplain[2], and (if young) a private tutor, besides the Various standards of comfort. The rich.

[1] Cf. Statutes of New College, p. 41: 'Post potationes in aula hora ignitegii.' So in the old Aularian Statutes (f. 8): 'Post gloriose virginis antiphonam decantatam et biberium completum.' At New College the Antiphon was sung in the Chapel after Compline. Cf. *Chartul. Univ. Paris.* T. II. App. p. 689. At Jesus College, Cambridge, two *biberiæ* were allowed per diem, consisting of 'unam pintam potus cum portiuncula panis' (*Documents*, III. p. 114). The first of these was no doubt the meal known as 'nunsyns' or 'nuncheon' (whence our 'luncheon') at nones (3 p.m. or in practice earlier). Cf. Boase, *Reg. of Exeter Coll.* (1894), p. xlvi.

[2] Thus, at Paris, the brothers Thomas and Hugh de Cantelupe 'tenebant magnum hospitium et habebant in familiam suam et ad expensas et robas suas (*id est in obsequiis et ad rem domesticam curandam*) probos viros inter quos erat magister Petrus de Buttevilt, magister in Artibus, qui fuit postmodum senescallus dicti domini Walteri Wigorniensis episcopi' (*A. SS.* Oct. T. I. p. 544). Afterwards, when Thomas lived by himself, 'habebat secum continue in familia sua et de robis suis unum capellanum, qui celebrabat continue missam dicto domino Thomæ valde mane et antequam iret ad scholas.' Moreover, his valet 'dixit, quod in dictis studiis

CH. XIV. The poor scholars.

ordinary servants[1]. At the other end of the social ladder there was the poor scholar, reduced to beg for his living or to become the servitor of a College or of a Master or well-to-do student[2]. At Vienna and elsewhere there were Halls (styled *Codrii* or *Domus Pauperum*) whose

continue dabat ad comedendum quinque pauperibus ad minus in domo sua, et aliquando tredecim; et de fragmentis et micis mensæ suæ vivebant saltem duo pauperes scholares' (*ib.* p. 545). In smaller French Universities, special privileges are conferred on 'nobiles ita viventes,' which is thus defined at Dole: 'Proprium habitet et teneat domicillum, habeatque secum tenere socium honestum et sibi simili panno vestitum, atque duos famulos honeste indutos, qui, aut saltem unus eorum, cum prefato socio ipsum per villam et ad studium vel aliis locis et actibus scolasticis jugiter associent, librosque suos, cum opus fuerit, ad scolas sive studium defferant, ac reportent,' &c. A noble who only kept a Master and one servant took a lower place in University functions (Fournier, III. No. 1616). At Montpellier, the student is esteemed 'noble' who brings 'ad minus unum consocium, duos scutiferos, unum coqum et duos famulos' (Fournier, II. No. 1103).

[1] Even at Bologna we find in the Register of the German Nation that youths belonging to the higher nobility came up attended by 'Magister suus,' or later 'Pedagogus suus' (see *Acta Nationis Germanicæ, passim*); e. g. Frederick Duke of Austria thus came to the University in 1332 (*ib.* 92; cf. Malagola, *Monografie*, p. 294). The young gentleman was often already a highly-placed dignitary. Two Provosts come up with 'Magister eorum' (*ib.* p. 99); and a Hungarian Bishop is attended by a Doctor of Decrees as his 'Pedagogus,' a Canon, a Chaplain, and three Scholars as 'familiares' (*ib.* p. 215). In 1465, Wolfgang, Count Palatine of the Rhine, matriculated with a Doctor of Decrees as his 'pedagogus,' a Master and four other scholars as 'familiares' (*ib.* p. 210).

[2] For Prague, cf. Tomek, p. 35. At Leipsic, in 1443, 'servitores magistrorum' are exempted from fees; later, partial exemption is granted to those 'qui in parte vel in toto se suarum laboribus manuum aut servitiis nutriunt et sustentant,' and there is a still more humble class of 'omnino pauperes' (Zarncke, *Statutenbücher*, pp. 360, 397). The Statutes of Toulouse tell us that at Paris 'quelibet domus scolarium . . . quamvis etiam de se tenuis et exilis' supported 'unum pauperem clericum' on its fragments (Devic & Vaissette, VII. *Notes*, c. 546). Salimbene (p. 55) tells a story of a nephew of Urban IV, created a Cardinal by him, who 'erat prius vilis scholaris in tantum ut etiam aliorum scholarium, cum quibus studebat, carnes e macello portaret.' So Petrus de Vinea, the Minister of Frederick II, 'cum esset scholaris Bononiæ mendicabat nec habebat quod comederet' (Guido Bonati ap. Sarti (1888), I. pt. i. p. 143). Cf. Oxford Reg. Aa. f. 87, where 'omnes scolares portatores librorum magistrorum' supplicate to be allowed to count attendance at their Masters' lectures in lieu of those prescribed by Statute. At Greifswald every Master could exempt one 'famulus' from fees, in return for which privilege he is never to walk abroad unattended. Kosegarten, II. p. 304 (cf. pp. 265, 268).

Battellers and beggars.

inmates were regularly turned out to beg and the proceeds placed in a common chest[1]. In the Oxford Halls there was a class of students known as 'battellers' who were required to wait on the others before sitting down to table[2]. Still poorer scholars were granted licences to beg by the Chancellor. It must, however, be remembered that the example of the Friars had made mendicity comparatively respectable. Many a man who would have been ashamed to dig was not ashamed to beg: and the begging scholar was invested with something like the sacredness of the begging Friar. To support a scholar at the University or to help him on a smaller scale by giving him something at the door, in return for a prayer or two, was a recognized work of charity in the medieval world. Menial service, again, implied less social inferiority in days when gentle youths were habitually brought up as

[1] Kink, II. p. 312. So at Leipsic there was a common table for scholars too poor to live in the regular Halls, 'quibus non est tanta facultas, ut hebdomadatim quinque grossos pro expensis exponere possint' (Zarncke, *Statutenbücher*, p. 72). At Oxford we hear, in a list of Halls, of 'Spalding-Courte quæ fuerat una domus pauperum' (Merton Register, ap. Twyne, XXII. 320). Occasionally charitable persons would receive a poor scholar into their houses 'pro amore Dei,' or for the soul of a deceased relative. Gloria, *Mon. d. Padova*, 1318–1405, II. pp. 329, 330.

[2] 'Quod batellarius quisquam in refeccionibus communibus de victualibus seruiat antequam se ad refficiendum transeat sub pena ij*d*.' (Old *Stat. Aularia*, f. 7 *a*). The learned Dr. Routh was once a 'Batteller' of Queen's. At that time he did not wait on others but fetched his own victuals from the kitchen and ate them in the Hall. (I am indebted for this piece of tradition to the venerable Bishop Hobhouse.) It is not quite clear whether he was exactly the same as the 'semi-comminarius'—probably he was so: in any case the latter was no doubt one who paid for and ate smaller rations than the rest—possibly only one meal instead of two (a practice known elsewhere). At Queens', Cambridge, the two servitors of the President are to receive their commons 'per modum semi-commensalium' (*MS. Statutes*, f. 27). Originally, the 'Batler' was a poor scholar who acted as the personal servant of the Fellow who appointed him. (Shadwell, in *The Colleges of Oxford*, p. 112.) The Paris *Camerista* seems to have been in the same position (see above, I. p. 475): so at a College at Caen, the 'bursarius' who cannot pay 'portio sua' (by the aid of his scholarship) 'poterit domo morari sicut camerista' (Fournier, III. No. 1713), though forbidden to live 'ut martineti extra septa hujusmodi Collegii.' The surviving Cambridge 'Sizar' must once have fared like the 'Bateller.'

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pages to Bishops or Abbots. For these poor scholars the 'ladder' of a University career was thrown down by the partial or entire remission of University dues and Lecture-fees[1]; though in some cases the scholar who graduated *in forma pauperis* was made to swear that he would pay the fees if he ever came 'to fatter fortune.' But after all, as we see from the University records, it was only a very small proportion of the students in a University, and a still smaller proportion of University graduates, who belonged to the pauper or servitor class. The vast majority of scholars were of a social position intermediate between the highest and the very lowest—sons of knights and yeomen, merchants, tradesmen or thrifty artisans, nephews of successful ecclesiastics, or promising lads who had attracted the notice of a neighbouring Abbot or Archdeacon. So habitual was this kind of patronage that a large proportion of University students must have been supported by persons other than their parents, whether related to them or not[2]. The Colleges represent simply an extension of this widespread system.

The majority not paupers.

[1] At Paris the fees were fixed at so many 'bursæ,' i.e. so many times the weekly board. The pauper scholar is entered as one 'cuius bursa fuit nichil' (Registers, *passim*). So at Prague in 1371 a scholar 'petens dimissionem bursæ propter Deum' must swear 'quia in conscientia mea non habeo ultra libros et vestes in præsenti de proventibus quibuscunque res valentes tres sexagenas aut duodecim florenos, et quam cito habebo res tantum valentes, libenter persolvam sine dilatione.' (*Mon. Un. Prag.* I. pt. i. p. 47. As to Leipsic, cf. Zarncke, *Statutenbücher*, p. 376.) At the Church-schools attended before or as a substitute for the University, poor scholars were often received *gratis*, e.g. at Worms: 'nulli tamen pauperi advenæ et mendicanti Scolarum introitus præcludatur' (Schannat, *Hist. episc. Worm.* II. p. 161), and the rich paid in proportion to their means. At Ingolstadt the poor were by Statute admitted to lectures free (Prantl, II. p. 114), and the practice was probably common even where it could not be claimed as a right. At S. Andrews an Inceptor swears to pay 'cum veniret ad pinguiorem fortunam' (MS. *Acta Fac. Art.* f. 28 *b*). At Universities of the Bologna type provision is made for the admission of a very limited number of poor graduates. As a rule no doubt the poor scholars would leave without the Master's degree.

[2] How universal this system was may be judged from the Injunction of Henry VIII in 1535 (when the Dissolution of the Monasteries had no doubt diminished the supply of

Mode of living.

Many University students no doubt lived in the direst poverty. There is a famous story of three students who were so poor that they had but one 'cappa' between them in which they took turns to go to lecture[1]. Numbers must have lived on bread and porridge with a little wine and meat on Sundays and Holidays. The annals of a modern University in Scotland or Germany, if not in England, would tell of not a few such stories. But it would be a mistake to infer that the majority of students lived in this way. No doubt it was not then considered necessary that an undergraduate should enjoy luxuries unknown to his father and sisters at home. The medieval student lived like the students of France or Germany, not like the average English undergraduate. When we remember the enormous supplies required in a University town, at a time when the cost of conveying provisions from a distance was greater than now, and the probable failings of manciples and clumsy male cooks, it is no wonder that 'Oxford fare' had a bad name[2]. But that does not imply that the ordinary undergraduate did not have regular meals, meat twice a day, and quite as much small beer as was good for him.

students), that every clergyman beneficed to the extent of £100 should maintain at least one scholar either in a Grammar School or at a University. Wood, *Annals of Oxford*, II. p. 66.

[1] 'Nam, sicut narrare consueverat, ipse, et duo socii ejus existentes in camera, non nisi unicam habebant cappam, et tunicam tantum; et quilibet eorum lectum infimum. Exeunte ergo uno cum cappa ad lectionem audiendam, reliqui in camera residebant; et sic alternatim exierunt; panisque et parum de vino cum potagio eis pro cibo sufficiebat. Non enim carnes aut pisces, nisi in die Dominica, vel die solenni, vel sociorum seu amicorum præsentia, eorum paupertas ipsos comedere permisit; et tamen sæpe retulit, quod numquam in vita sua tam jucundam, tam delectabilem duxerat vitam' (*A. SS.* Ap. 3, T. I. p. 279). The story, here told of S. Richard of Chichester, is repeated of many medieval personages, and Hatch (*Hibbert Lectures*, p. 36) traces it to Eunapius, *Prohæresius* (Heidelb., 1596), p. 137.

[2] Mr. Mullinger (*Cambridge*, I. p. 371) quotes the words of the fallen Sir Thomas More: 'My counsel is, that we fall not to the lowest fare first; we will not therefore descend to Oxford fare, nor to the fare of New Inn, but we will begin with Lincoln's Inn diet.' Even in these luxurious days, the undergraduates' table in some College Halls would represent a considerable come-down to an ex-Lord-Chancellor.

CH. XIV. From the graduation-lists of Paris in the fifteenth century it appears that the average 'bursa' or weekly expenses of a scholar varied between 2*s.* and 4*s.*, the lower limit being the more common. The kind of living which even this represents was that of the middle classes rather than that of 'the poor[1].'

Standard in Colleges.

Nor did the standard of living in the Colleges fall below the ordinary average. We have already seen something of the domestic arrangements of the College of Spain at Bologna. A pound of meat per diem may be the diet of hard-labour prisoners but it is not the diet of paupers. And by the sixteenth century the allowance has been increased to a pound and a half[2]. How little an endowed scholar's fare in the Middle Ages represents a minimum scale is shown by the fact that a servant's allowance of meat was only half a scholar's, while a College servant's rations are luxury itself compared with the dietary of many a medieval alms-house. The increased allowance of the later Statutes may be considered to indicate a departure from the Founder's intention; but the reader may remember that from the first there was bread and wine *ad libitum* at meals, and a 'collation' twice a day besides. The household arrangements of the same College likewise show anything but a niggard economy. At least as many servants are provided for the thirty-four inmates of this medieval College as would be required for that number of students in our

[1] It should also be remembered before drawing exaggerated inferences from the existence of such charities as the Loan-chests of Oxford (see above, p. 350) that a medieval student was liable to be reduced to great straits by temporary failure of supplies from home. Communication was difficult, and the Jews (when and where accessible) highly exorbitant. Malagola prints an interesting extract from a letter of Copernicus when studying at Bologna in 1499 to his episcopal uncle, asking for fresh supplies. He says that his brother Andrew, who was in like straits, 'Romæ servitiis se dare offerebat, ut egestati mederetur' (*Monografie*, p. 427). Yet Nicolas Copernicus was already a Canon of Frauenburg (*ib.* p. 420), and the brothers paid moderately high Matriculation-fees. *Acta Nat. Germ.* pp. 248, 252.

[2] MS. Stat. Coll. Hisp. f. xvi *a* (Phillipps Library). Cf. *supra*, vol. I. p. 201.

own day[1]. Among other enactments may be noted the provision that the servants shall carry the Canonists' books to lecture for them. It is true that the whole scale of living among the Italian students was rather more luxurious than that which prevailed among the mass of Parisian or Oxonian scholars; and the Cardinal of Spain of course wished his scholars to live as other students of moderate means were wont to live at Bologna; but such Statutes show that the term 'poor scholar' was a more elastic one than would be suggested by the moving pictures of academic poverty in which the picturesque historian is wont to indulge. When we turn to the Colleges of Oxford and Paris, the facts are not materially different. The allowance of wine at the College of Harcourt was sufficient to make it expedient that College meetings (*Congregationes*) should not be held after Common-room (*post vinum*)[2]. The different allowances for various grades of students show that the diet of the seniors must have been by no means austere[3]. It is contemplated that the College foundationer may be a man of sufficient social position to entertain noble or distinguished guests[4]. It is not superfluous to provide that he shall not keep a private servant. In some of the Parisian Colleges he is allowed this luxury at his own expense[5]. At New College, Oxford, a Doctor of Divinity is even provided with a servant at the expense of the College. It is quite true that the Colleges were intended for 'poor scholars.' But a 'poor scholar' in the sense of College founders meant only a scholar unable to support himself at

Meaning of 'poor scholar' in Colleges.

[1] There was to be (1) a 'procurator seu yconomus' (not a scholar); (2) a cook and an under-cook; (3) two *canaparii* (butlers); (3) five other servants. MS. Stat. ff. 8 *b*-11 *a*. By the sixteenth century the economic management of the College is transferred to *procuratores* selected from the Scholars, who are all to learn Arithmetic with a view to serving in their turn—a provision which (since they must have resided three years in a University before admission) throws a lurid light on the state of Mathematical instruction among Italian Jurists. *Ib.* f. viii *b*.

[2] Bulæus, III. p. 160.

[3] At Navarre a Grammarian received 4 *solidi* a week, an Artist 6, and a Theologian 8. Bulæus, III. p. 82.

[4] Bulæus, IV. p. 156.

[5] E. g. at Narbonne (Félibien, V. p. 670) and du Plessis (*ib.* III. p 414).

CH. XIV. the University without assistance. Sometimes this is the interpretation actually embodied in the Statutes: in other cases there is a fixed limit of income. When it is remembered that many of the Colleges were for Theologians, that a Theologian's training lasted nearly half an ordinary lifetime, and that his profession even at the end of that period was not directly remunerative, it is obvious that but for the assistance afforded by the Colleges none but men of considerable means would have been likely to enter upon such a career. It is, however, almost assumed that the College Fellow would, as a rule, have some small private means: since the College allowance was usually confined to bare food and clothing. At Paris it often ceased during the Vacation [1]. In England founders were usually more liberal: but the mere fact that great prelates designed the Colleges in part for their nearest relatives shows how far they were from intending their liberality to be confined to the lowest and poorest classes, or from expecting those who accepted it to live like labourers, although at that time there was less difference than now between the diet of the labourer and that of the classes immediately above him. The will of a Fellow of Queen's in the fifteenth century shows that it was possible for a Fellow to possess several horses, besides sheep and cattle, and to have lent his father as large a sum as £7 [2].

There was almost as much difference between the scale of living and social position of the Fellow or full 'Bursar' and the 'beneficiarius' who lived on the broken meats which fell from the College table or begged for alms at the College gates [3] as there was between the independent

[1] E. g. at the College of Laon from June 24 to Oct. 1, except for the Master and two scholars. Jourdain, *Index*, p. 108. The Coll. of Dainville requires an entrance-fee of 40 *solidi*, with 'mappam sufficientem cum una thobalia' and 'de suo providere de linteaminibus et cooperturis' (Félibien, III. p. 510). Elsewhere there is a contribution towards furniture. Fournier, III. No. 1643.

[2] *Mun. Acad.* p 593.

[3] At the College of Narbonne, by the Statutes of 1379, some poor scholars are to be selected by the Prior to receive 'fragmenta seu reliquie mensarum cum alio eorum proprio subsidio.' They were to be

scholar and his student-servitor. Indeed, before the conclusion of the medieval period we find it a matter of common complaint that the Colleges which were intended for poor, though not for pauper, scholars were filled with men whose parents were quite well able to pay for the support of their sons at the University. John Standonck, at the beginning of the sixteenth century, attempted to correct this abuse by drawing up a body of Statutes for the College of Montaigu whose austerity would repel everything short of the direst poverty and the most intense devotion to study. Any one who will compare John Standonck's Statutes with those of earlier foundations will see how many degrees of poverty there were below that of the 'poor scholars' on an ordinary College-foundation[1]. The Statutes of this College are not, as has sometimes been supposed[2], typical of University life in general, but the exception which proves the rule.

Abuse of foundations.

College of Montaigu exceptional.

It may be well perhaps to descend from these generalities to a few particulars. A Fellow's weekly commons in the second half of the fourteenth century at an English College varied (at ordinary times) from a shilling to eighteenpence. Meat was then at about ¼*d.* per lb., butter and cheese at ½*d.* per lb., while 6 lbs. of wheat could be bought for 4*d.*[3]. Beer good enough for a nobleman's Determination feast could be had at 12*d.* the quart[4]: but

The medieval Fellow's table.

provided with a 'suitable place' in which to eat these remnants, and were in any case to have enough pottage to satisfy their hunger. In return they were to serve in the Chapel with surplices, to ring the College bell, and 'do other things as commanded by the Prior' (Félibien, V. p. 667). So at the College du Plessis in 1335 each Scholar 'bursam habens quatuor solidorum' was to have a Beneficiarius to live in the House, who was sustained apparently by his patron's leavings, and served in the Chapel. *Ib.* III. p. 382.

[1] In these Statutes he complains of the 'potentum filii et divitum qui cæteras pias pauperum fundationes injuste occupant' (Félibien, V. p. 735).

[2] E. g. Mullinger, *Cambridge*, I. p. 367, where some interesting reminiscences of Erasmus' days at this College are cited.

[3] Rogers, *Hist. of Agriculture and Prices in England*, Oxford, 1866, Vol. I. 57.

[4] *Ib.* II. p. 644. There is a more expensive beer at 20*d.* the quart, and an inferior at 10*d.* There is also a

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home-brewed small-beer must have cost far less than this. Thus 1½ lb. of bread, 1 lb. of meat, and ¼ lb. of butter and cheese per head could be provided for about 1*d.* a day or 7*d.* a week. This would form a tolerably substantial basis for a student's diet, leaving at least as much again for beer-money and 'etceteras.'

Lever's account of S. John's, Cambridge.

As to the English Universities, it is customary to quote the testimony of Lever, Master of S. John's College, Cambridge, who draws a touching picture of the hardships endured by the scholars of his College in a Charity Sermon preached on their behalf at Paul's Cross. He describes their ten o'clock dinner as consisting exclusively of a 'penye pece of byefe amongest iiii, hauyng a few porage made of the brothe of the same byefe wyth salte and otemell,' and their five o'clock supper as 'not much better': while, for lack of fire, they were forced 'to walk or runne up and down halfe an houre, to get a heate on their feet' at bed-time[1]. But Mr. Mullinger[2] has well pointed out that this was an exceptional state of things—it represents the lowest ebb to which a College could be reduced in a time of failing revenues; and after all, two meals of soup, meat, and presumably bread or porridge, is not so very bad. We have seen that, judged by the standard of the age, the Oxford Colleges at least had begun to earn, long before the conclusion of our period, that character as homes of substantial if not luxurious comfort which they have never since lost. Any difference between them and the continental Colleges (though there too we hear of the abuse of Colleges by well-to-do persons) must have been mainly due to that life-tenure of fellowships which is peculiar to the English Universities[3].

payment to the 'pistor.' These beverages were probably strong ales like those which still occasionally appear in wine-glasses in College Halls.

[1] *Lever's Sermons*, ed. Arber, p. 122.

[2] *Cambridge*, I. p. 371.

[3] This feature of the English Colleges is censured by Polydore Vergil (*Hist. Anglic.*, Lugd. Batav. 1651, p. 140) who gives them a good character for morality in other respects but complains of the idle and elderly Fellows 'qui omne vitæ curriculum ibidem sese molliter curando transi-

Hardships of Student Life.

Hardships not peculiar to students.

In reading of the hardships of medieval student life, it must be remembered that many comforts and conveniences which have become necessaries to the modern artisan were then unknown luxuries except in the very wealthiest and noblest homes. If the scholar's hardships were greater than those of his class elsewhere, they were largely those which were inseparable from his sedentary life. In the first rank of such hardships must be placed his sufferings from cold. In France and England we hear nothing of fires in the School and there are very slight traces of them in College Chambers. It is in fact certain that in the medieval Lecture-room there was no warmth but what was supplied by the straw or rushes upon the floor: fires were certainly not a matter of course in College rooms. A German winter must, one would think, have been insupportable without fire even to the hardy medieval, warm-wrapped in furs and dirt. In some of the German Colleges it was customary for the College to take its meals in the kitchen during the winter season: in others we hear of a common hall warmed by a stove or fire-place[1]. But even in Germany we find that it is one of the duties of the Head of a College to make a periodical inspection of College rooms lest perhaps their occupants should have improvised for themselves grates or stoves[2]. Other Statutes denounce with much severity the practice of resorting for warmth to the kitchen fire[3]. At the Sorbonne we do hear of private

Want of fire.

gunt, qui malis exemplis juventuti plurimum interdum nocent.' The Founders of Wadham College took the hint and limited the Fellowships to twenty years.

[1] At Leipsic, in 149½, a contribution is to be levied 'ad emendum ligna ad calefatienda stuba magistrorum' (Zarncke, *Statutenbücher*, p. 233). So at Paris in 1540. Félibien, III. p. 413.

[2] 'Ne . . . focos sive fornaces ibidem construant vel habeant' (Zarncke, *l.c.*, p. 234).

[3] The following Statute of the Collége de Foix at Toulouse (1457) I cannot find it in my heart to abridge: 'Sunt nonnulli qui ita gule et ingluviei sunt dediti quod ea que in coquina parantur videre cupiunt et eis exinde melius parari expetunt, neque contenti de his que apparata sunt refectionem sumere. Volumus, igitur, statuimus, et ordinamus ut

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supplies of wood for the Fellows' rooms[1], and at Durham College, Oxford, the inventories of furniture contain allusions to andirons[2]. But the standard of comfort prevalent among monks of a lordly Monastery like Durham was so much higher than that of the ordinary secular scholar that we cannot assume the existence of such luxuries as a private fire in Oxford Colleges generally in the complete absence of other evidence. At Cambridge it seems that the Parlour or (as it is now called) Combination-room was largely intended as a place for the Fellows to warm themselves in winter[3]. The cheeriess picture presented by the fireless studies is completed by the wooden window-shutters, the clay or tiled floors either bare or strewn with straw, and the unplastered ceiling[4]. Glass windows were an exceptional luxury till towards the close of our period. At Padua the windows of the Schools were made of linen[5]. In 1463 a glass window was for the first time introduced into the Theological School at Prague[6]. In 1598 the

The 'Parlour' at Cambridge.

Glass windows exceptional.

nullus collegiatus sine licentia rectoris coquinam, paneteriam, sive dispensam audeat intrare, sed si quid voluerit a rectore seu administratore petat. Si quis contrarium fecerit, puniatur pena arbitraria per rectorem indicenda. Non autem interdicimus quod si quis stomacho indispositus fuerit, possit intrare dictam coquinam et petere scutellam brolii, et coquus sibi ministrare teneatur, dum tamen talis non fingat se stomacho affligi, neque causa ad se calefaciendum in dictam coquinam intrare audeat' (Fournier, I. No. 840). The same Statutes, however, provide for a fire 'in tinello' (the dining-hall) 'incipiendo in vigilia sancti Hieronymi usque ad festum Pasche.'

[1] In the MS. Register, f. 78, a dispute occurs 'super distributione camerarum et lignariorum': it is settled that two Fellows shall share a 'lignarium.'

[2] Spelt 'aundyryns.' The inventories (a roll in the Chapter Library at Durham) were made in 1428. This fact was kindly communicated to me by my friend the Rev. H. E. D. Blakiston, Fellow of Trinity College, Oxford.

[3] The early Cambridge Colleges usually possessed such a room; at Oxford, oddly enough, the Common-room seems to be a seventeenth-century invention. See the chapter on 'The Combination Room' in Willis and Clark, III. p. 376 *sq.* At Durham College, Oxford, there was a 'loqutorium,' but this was due to its monastic character. (Inventory of 1428.)

[4] Willis and Clark, III. p. 320; Josselin, *Hist. of C.C.C. Camb.* §§ 29–42.

[5] 'Bidelli scolas suas faciant coper[i]ri et ipsarum fenestras lineis pannis vel aliter claudi' (*Archiv* VI. p. 451). At Paris there were windows 'de calce.'

[6] 'Item anno Domini 1463 ... comparatum est vitrum per facultatem artium ad fenestram unam in

rooms inhabited by some of the junior Fellows at King's College, Cambridge, were still unprovided with this convenience[1]. Another melancholy detail is the expense of artificial light in winter. When the average price of candles was nearly 2*d.* per lb., it is obvious that reading by candle-light was beyond the means of the poorest students[2]. No special allowance on this head was made by the College. Hence, no doubt, the frequency of disputations and repetitions as evening employments, at which a single candle might suffice for the whole company.

Expense of candle-light.

The King's College inventory already mentioned and the various inventories of scholars' goods taken at Oxford[3] enable us to form a tolerable idea of the ordinary furniture of a student's room. The senior men usually had ordinary bedsteads, in connexion with which various gorgeously coloured coverlets[4], a 'celer and tester,' or 'hanging linen' and curtains are sometimes mentioned. The juniors often slept in truckle-beds which could be put away under the ordinary bedsteads. There is usually a table with a few chairs or 'playne joyned stooles' or 'joyned formes.' 'A new cistern or a troughe of lead,' or 'a lead to wash with a cocke,' or 'a picher and a bolle,' are sometimes but not universally mentioned. (In some Colleges there appears to have been a public lavatory in the hall[5].)

College furniture.

Washing arrangements.

lectorio theologorum collegii Caroli, ne imbres et tempestates impediant magistros in legendo et disputando' (*Mon. Univ. Prag.* I. Pt. ii. p. 81).

[1] Willis and Clark, III. p. 325. The inventory of furniture then taken mentions 'wyndowes glased,' but in other cases only 'wooden leaves for the wyndowes.' The goods of a Sorbonnist in 1434 include 'unam parvam cortinam albam fimbriatam que inest fenestras camere dicti deffuncti ad prohibendum ingressum venti pro pretio ii *sol.* viii*d.*' (Register, f. 17). At Padua, by the Statutes of 1556 (f. 126*b*), the landlord is to see 'quod fenestræ camerarum et studiorum pannis lineis fulciantur.'

[2] Rogers, *Hist. of Prices*, I. p. 414.

[3] *Mun. Acad.* pp. 525, 565, 582, 658, 663, &c. In the Inventory discovered by Mr. Blakiston among the rolls of Durham College belonging to the Dean and Chapter of Durham —certainly the earliest Inventory of College-rooms in existence — are found a 'vertibulum,' a 'lavacrum,' and 'pelves.'

[4] '1 coverlyt of reed and blew with estryche fetherys, pris iis. iiii*d.* Item, 1 coverlyt of grene and yelow poudred with roses, iis.' appear in the Inventory of a deceased Chaplain in 1447. *Mun. Acad. p.* 565.

[5] Boase, *Reg. of Exeter Coll.* (1894), p. xli.

CH. XIV. A 'matteresse,' a bolster, a 'pilowe,' and 'ii payre of old schetces' represent the bedding of a priest who died at Vine Hall, Oxford, in 1455: he also possessed 'i candelstik of yron' and 'i shere to snoffe candels[1].' In the case of humbler scholars blankets or counterpanes appear without the sheets. The musical man had his 'lewt.' There was a chest or 'cofer' or 'canveisse' for clothes; if the occupant were a serious student

Books. there would be a 'presse' or shelves for books. In the inventories of more sporting characters, knives and swords, bows and arrows, a hatchet or a silver 'misericordia' are more conspicuous than books. The aspirations of Chaucer's clerk of Oxenford represent about the maximum that an ordinary student would expect in this last department—

> 'For him was lever han at his beddes hed
> A twenty bokes, clothed in black or red,
> Of Aristotle, and his philosophie,
> Than robes riche, or fidel, or sautrie[2].'

Beds. Separate beds are as a rule allowed by English College Statutes, except occasionally in the case of the youngest boys. At Magdalen College, Oxford, Demies under 15 are to sleep two in a bed[3]. The same arrangement is found in a monastic College at Montpellier, and is allowed by special permission of the Principal in the Oxford Halls[4].

[1] *Mun. Acad.* p. 663. A writer of the thirteenth century thus describes the furniture which the student expected to find in his hostel, but, as the book is a Word-book, he probably exaggerates the completeness of the outfit: 'In hospitio probi hominis debent haec esse: mensa decens, mappa candida, manutergium fimbriatum, tripodes alti, trestelli fortes, torres, eremalia, focalia, stirpes (some MSS. read 'stipes'), cippi, vectes, sedilia, scamna, cathedra, spondæ et fercula facta de lignis levigatis, culcitræ, cervicalia et pulvinaria, cribrum, taratantarum, haustrum, mulctra, casearium, et muscipula' (Scheler, *Lexicographie Latine du XIIe et du XIIIe siècle*, Leipzig, 1867, p. 31). Moreover, 'Hæc sunt instrumenta clericis necessaria: libri, pulpita, crucibolum cum sepo, absconsa et laterna, cornu cum incausto, penna, plumbum et regula et speculum, tabulæ et ferula, cathedra, asser, creta cum plana, pumex' (Scheler, p. 31).

[2] Prologue, ll. 363-6.

[3] *Statutes*, p. 73.

[4] *Cart. de l'Un. de M.* p. 542; Old *Stat. Aul.* f. 2.

In English College rooms the usual arrangement was that each scholar had a 'study' of his own adjoining the windows[1]. These studies were apparently movable structures, being sometimes treated as part of the furniture. In their simplest form we may perhaps picture them by the aid of the Eton boy's bureau or the Winchester scholar's 'toys.' By the time of the King's College inventory they have doors, and may therefore be supposed to have been something like the cubicles in the dormitories of some Public-schools, though the structure was still apparently movable. In the Middle Ages, however, students slept in the part of the room left unoccupied by the separate 'studies' of its two, three, four, or occasionally more numerous occupants[2].

The 'study.'

Amusements.

A very striking feature of medieval University life (at least in English eyes) is the almost total absence of authorized or respectable amusements. The Statutes of the College founder or University disciplinarian on such matters are often more severe than they are in the repression of crime or vice. It is difficult to find in our records any allusion to recognized amusements except some vague mention of playing at ball out of doors, and within doors of singing or playing on the lute. But here again we are simply encountering one of the characteristics, not of the Universities in particular, but of the age in general. The upper class of feudal society was an essentially military class: its amusements consisted in jousts and tournaments, hunting and hawking. Such recreations were not unnaturally considered too unclerkly and too distracting as well as too expensive for the University student, and

Absence of recognized amusements.

[1] Thus at New College: 'In inferioribus . . . cameris . . . quatuor fenestras et quatuor studiorum loca habentibus, sint semper quatuor scholares vel socii collocati' (*Statutes*, p. 88). We hear of such *studia* in the Friars' convents much earlier. See references in Little, *Greyfriars in Oxford*, p. 55.

[2] On the whole of this subject, see the most interesting chapter on 'The Chambers and Studies' in Willis and Clark, *Cambridge*, III. pp. 296–327.

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were consequently forbidden in medieval Statutes[1]. Contempt of the body was too deeply rooted a sentiment of the religious mind for a pious College founder to recognize the necessity of bodily exercise and a free vent for animal spirits. Even 'playing with a ball or a bat'—the nearest approach to 'athletics' which we encounter—is at times forbidden among other 'insolent' games[2]. A sixteenth-century Statute includes the machinery of tennis or fives among the 'indecent instruments' the introduction of which would generate scandal against the College: though it charitably allows playing with a soft ball in the College court[3]. Though gambling was not so strong a passion in the north as in the south of Europe, a good many Statutes are directed against it even in northern Universities. The sterner College founders forbade games of

Indecent instruments.

Gambling.

[1] E. g. at Heidelberg: 'Item quod nullus capere presumat aviculas, aves seu feras quarumcunque specierum, seu capcioni illarum intersit, sub pena vnius floreni et confiscationis captarum' (Stat of 1453 ap. Hautz, *Gesch. d. Un. Heidelberg*, II. p. 393). 'Item quod nullus scolis dimicancium interesse, seu exercicio eorumdem se submittere presumat, nec aliquem ad docendum vel discendum hujusmodi vanitatem quoquo modo inducat, sub pena vnius floreni' (*ib.* p 394). Cf. New College *Statutes*, p. 48.

[2] 'Ad pilam vel ad crossiam vel ad alios ludos insultuosos' (Statute of Narbonne College, 1379, ap. Félibien, V. p. 670).

[3] 'Item, et quia multæ querelæ vicinorum ad aures nostras devenerunt de insolentiis, exclamationibus et ludis palmariis dictorum scolarium, qui ludunt scophis seu pilis durissimis ac ferulis reticulis et aliis indecentibus instrumentis, horisque et diebus indebitis, in scandalum collegii et detrimentum dictorum vicinorum; ideo ordinamus quod nulli, . . . de cætero ludant ad ludum palmarium, maxime in magna area dicti collegii, nisi pilis seu scophis mollibus et manu, ac cum silentio et absque clamoribus tumultuosis neque ludant ante prandium,' &c. (Stat. of Coll. of Tours, 1540, ap. Félibien, III. pp. 419, 420). It is surprising to find the martyr Ridley anticipating the manners of the nineteenth century by playing tennis or practising archery with a pupil. (The pupil was apparently, however, a junior Fellow.) Strype, *Memorials*, III. P. i., Oxford, 1822, p. 386. I have come across no allusion to football before 1574, when it is forbidden at Cambridge, but in 1580 allowed only within the College precincts, *non adulti* offenders to be flogged. Cooper, *Annals*, II. pp. 321, 382. At Oxford in 1584 'any minister or deacon' convicted of this offence was to be banished and reported to his Bishop, scholars over eighteen imprisoned and fined, those under eighteen to be flogged in St. Mary's. (Wood, *Annals*, II. 220.) For football on Bullingdon Green in 1608 see Twyne, MSS. XXI. p. 85.

chance and playing for money altogether: the more indulgent contented themselves with limiting the stakes to eatables or drinkables and confining the games to festivals[1]. Chess is a pastime which might seem severe enough to propitiate the most morose disciplinarian, but it seems to have enjoyed a curiously bad reputation with the medieval moralist, and is forbidden by many academical legislators. At Heidelberg, for instance, visits to the public chess-tables are forbidden 'especially on legible days': at New College the stern Bishop of Winchester includes chess among the 'noxious, inordinate, and unhonest games' which are forbidden to his Scholars[2].

Chess.

College Statutes are not unnaturally full of prohibitions directed against musical or other noises calculated to disturb the studies of others[3]. Some few German Statutes condescend so far to human infirmity as to permit at seasonable hours musical instruments, 'provided they are musical.' As to the keeping of dogs, hawks, ferrets, 'unclean beasts or birds[4],' the practice was viewed by the College disciplinarian with a traditional horror which (as regards dogs) still lingers in the breasts of the Deans and

Musical instruments.

Dogs, hawks, &c.

[1] At Narbonne all playing for money is forbidden 'unless sometimes and rarely at honest and recreative games, for a pint or quart of wine or fruit, and without great noise and expenditure of time' (Félibien, V. p. 670). At Cornouaille (1380) playing at 'dice or tables' is allowed only 'for the recreation of some sick fellow . . . in the house or out of it on festivals, and for the sake of solace and for some moderate comestible or potable' (III. p. 502). A Court of justice might find the clause difficult to interpret: there is a further reservation in favour of Christmas and SS. Nicolas, Catherine, and Corentinus.

[2] New College *Statutes*, p. 48: Hautz, *Heidelberg*, II. p. 394. At Louvain the legislator is more indulgent towards private games: 'Illos etiam a quibuscumque ludis taxillorum et chartarum [Tutores] prohibeant, permittendo tamen diebus et horis opportunis ludos virtuosos in domo vel locis privatis et non publicis . . . sicut ad scaccos, ad pilum aut consimiles, absque tamen excessivo labore aut immoderata frequentia' (Ordinance of Charles the Bold, Duke of Brabant, in 1476; Molanus, II. p. 940).

[3] 'Quod nullus ludat in domo cum cythara vel choro vel aliis instrumentis sonoris, per quod possent dicti scholares aliqualiter molestari' (Félibien, III. p. 397).

[4] 'Nec etiam teneant bestias vel aves immundas vel alias nocivas' (Félibien, III. p. 386).

CH. XIV. Porters of Oxford and Cambridge. As the grim sixteenth century is reached, the prohibitions against all 'profane games, immodest runnings, and horrid shoutings,' become increasingly sweeping[1].

Dancing. The institution of a sort of public University ball for the express purpose, it would seem, of introducing the students to the 'most honourable and elegant daughters of magnates, senators, and citizens,' deserves to be mentioned as a rather exceptional peculiarity of sixteenth-century Leipsic[2]. Much more frequently we encounter stern denunciations of dancing in any form whatever. But we may infer that the amusement was a favourite one with the students from the fact that, even in a College jealously guarded against female intrusion, William of Wykeham found it necessary for the protection of the sculpture in the Chapel reredos to make a Statute against dancing or jumping in the Chapel or adjoining Hall[3]. His language is suggestive of that untranslatable amusement now known as 'ragging,' which has no doubt formed a large part of the relaxation of students—at least of English students—in all ages. At the same College there is a comprehensive prohibition of all 'struggling, chorus-singing, dancing, leaping, singing, shouting, tumult and inordinate noise, pouring forth of water, beer, and all other liquids and tumultuous games' in the Hall, on the ground that they were likely to disturb

[1] 'Item placet, quod nullus scholasticorum intra vel prope collegium exerceat quoscunque ludos prophanos aut discursus immodestos seu boatus edat horrisonos, studiosorum interturbando negotia . . . sub poena septem grossorum' (Stat. of *Collegium minus* at Leipsic ap. Zarncke, *Statutenbücher*, p. 240).

[2] 'Ut in publico prudentissimi senatus theatro doctores, nobiles, magistri, studiosi iuuenes cum honestissimis et lepidissimis magnatum, senatorum et ciuium filiabus choreas ductarent' (Zarncke, *Acta Rectorum*, p. 34). On the other hand, at Bâle, in 1460, an agreement between the town and the University provides 'quod studentes per Rectores Bursarum et alios inducantur ut non chorisent in choreis civium publice nisi ad illas specialiter fuerint invitati' (Vischer, pp. 306, 307). So at Avignon dancing is forbidden 'salvis choreis publicis que fierent in festis de universitate [*leg.* universitatis] suppositorum' (A. D. 1441) (Fournier, II. No. 1334).

[3] *Statutes*, p. 100. In Chaucer (*Cant. Tales*, l. 3329) a scholar dances 'After the scole of Oxenforde tho'.'

the occupants of the Chaplain's chamber below. A moderate indulgence in some of the more harmless of these pastimes in other places seems to be permitted.

Festivals and ecclesiastical dissipation.

The ideal student of the Middle Ages probably amused himself little or not at all. The only relaxation which the University system really provided for was the frequent interruption of the regular routine for the whole or part of a day in honour of the greater Holidays of the Church, or of the Festivals of the Patrons of a particular Nation, or Province, or Faculty. For the Faculty of Arts the great days were the Feasts of S. Scholastica and S. Nicholas. Some Statutes contain severe prohibition of Carnival-tide licence, but in Scotland two or three days' holiday was expressly allowed for cock-fighting at this season[1]. In all medieval Universities—but especially at Paris—the student enjoyed an abundance of what may be called ecclesiastical dissipation. For the Masters at Paris there were national Vespers and a national Mass once a week[2], as well as on many Festivals. These functions were followed by a distribution of money or a dinner at the expense of the Nation. For Masters and scholars alike there were frequent processions, University Masses, and University Sermons, which at least afforded a welcome

[1] E. g. at S. Andrews: MS. *Acta Fac. Artium*, f. 1 *b*. The Statute forbids the spending of a fortnight or three weeks 'in procuratione gallorum.'

[2] The Vespers on Friday, the Mass on Saturday. This usage was still kept up in the time of Goulet (viii *b*). At Oxford such entertainments appear to have been less frequent. But we find an annual item in the Proctors' accounts, 'Pro distribucione fienda inter Regentes,' amounting (at the end of the fifteenth century) to £3 18*s*. 4*d*. Two great Holidays were celebrated on the Vigils of S. John the Baptist and of S. Peter, in connexion with which we find such items as the following: 'Item solutum in Vigiliis sancti Ioannis Baptiste et sancti Petri in recreacione omnium graduatorum ex consuetudine laudabili ut placet iudicibus [i e. the auditors, who had reduced the Proctors' claim] . . . vi*li*. xii*s*. iiii*d*. Item pro cirpis consumptis in dictis vigiliis et certis reparacionibus factis in locis ubi tenebantur dicte Recreaciones . . . iii*s*. Item, pro consumpcione luminum in eisdem noctibus et in obitibus dominorum Ioannis et Thome Kempe, ducis Glocestrie et Episcopi Lincolnensis . . . xvi*s*.' (Accounts for 1494 in Archives, W. P—Y 28).

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Half-holidays.

relief from morning lecture. The afternoons of Holidays supplied the chief opportunity for country walks or recreation in the Pré-aux-clercs[1]. In the German Universities we find, however, a growing tendency to abridge even this scant liberty by providing afternoon lectures on Festivals. Mathematics are sometimes introduced as a light study specially appropriate for such times, it being alleged that half-holidays were usually spent in the tavern.

Holiday evenings.

In the evenings of Festivals even the sternest of College disciplinarians relaxed so far as to allow story-telling or carol-singing, or the reading of 'poems, chronicles of the realm, or wonders of the world' round the fire in the College Hall[2]. This was probably regarded as a harmless substitute for the entertainments of strolling jesters or actors or mountebanks largely patronized by the student when free from collegiate restraints[3]. Only on Twelfth-night were mummers allowed within the sacred precincts of the College[4].

Sundays.

By some Universities we find even Sunday utilized for lectures or disputations[5], and there are traces of the same institution in the early days of the Italian Law-schools;

[1] A Statute at Ingolstadt restrains what would appear to have been harmless country excursions: 'Retroactis temporibus nimium frequentare coeperint exitus cumulatos ad loca nemorosa, quos exitus appellant fontonia;' henceforth they were only allowed 'semel in caniculariibus... exire cum Decani licentia' (Prantl, II. pp. 113, 114).

[2] So at New College, where lingering in Hall is forbidden 'nisi quando ob Dei reverentiam ac suæ matris vel alterius sancti cujuscunque tempore hyemali ignis in aula Sociis ministratur' (*Statutes*, p. 42).

[3] At the College of Cornouaille, scholars are to abstain 'a quibuscumque ludis mimorum, joculatorum, histrionum, goliardorum, et consimilium' (Félibien, III. p. 502).

[4] Bulæus, V. pp. 782, 783, the number of 'mimi' being limited to one 'et ad summum duo.'

[5] At Leipsic: Zarncke, *Statutenbücher*, p. 339. So at Nantes (1461) there are Ethics lectures on Sundays as well as other Festivals: Fournier, III. No. 1595. We find 'questiones dominicæ' among the works of Rofredus: Sarti, 1888, I. Pt. i. p. 88. The Statutes of Salamanca forbid 'repetitiones' on Sundays: Denifle, *Archiv*, V. p. 183. In modern Italian Universities, examinations are continued on Sundays. For an Oxford Congregation on Sunday, see *Mon. Francisc.* I. p. 347. I have met with a bulky treatise by a medieval Canonist in support of the thesis that study on Sundays was permissible except when pursued for gain.

but this would appear to have been the exception rather than the rule[1]. In general, the Sunday was free for worship and rest, and seems to have been rarely abused by the outrages or disturbances so common on other Festivals.

Plays.

The comedies which began to be acted in the Halls or Colleges towards the end of the fifteenth century form almost the only amusement of an intellectual character which relieved the stern monotony of academic life. But these are not heard of till the first breath of the Renaissance spirit had reached even Paris and Oxford: these comedies represent the first contact of the stream of academic culture with the now fuller and more vigorous current of popular literature, and exercised an important influence over the development of the modern drama both in France and England. It is needless to say that the innovation was looked upon with considerable suspicion, though not altogether prohibited, by the University disciplinarians[2].

Illicit amusements.

Alike in the Universities and out of them the ascetism of the medieval ideal provoked and fostered the wildest indulgence in actual life. If we want to realize what were the probable amusements of the un-ideal student we must turn to the things which laws and Statutes prohibit rather than to those which they permit. For the bolder spirits there were sporting excursions into the country. Poaching in the King's forests at Shotover or Woodstock was a favourite pastime of the Oxford scholar[3]. The University of S. Andrews with unwonted liberality actually allowed its students to go a-hawking, provided they went in their own clothes and not in 'dissolute habiliments borrowed from lay cavaliers[4].' On the roads round the

Poaching.

Hawking.

[1] By a Statute of the City of Perugia in 1389 the *Sapientes Studii* are to elect Doctors to lecture on Sundays or other Festivals. *Giornale d. Erudis. artistica*, VI. pp. 315, 316.

[2] In 1488, at Paris, it was ordered that the Principal should 'visit' comedies performed in his Hall. Bulæus, I. p. 785.

[3] Rot. Pat. 15 Hen. III. m. 9; Rot. Claus. 1 Hen. V. m. 29 *dorso* (Hare, *Mem.* 111); Macray, *Reg. of Magd.* I. 44.

[4] MS. *Acta Facultatis Artium*, f. 15 *a*.

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Scholar highway-men.

University towns were even to be met parties of scholars—many of them expelled or banished for previous transgressions—who had turned highwaymen and now waylaid the more peaceful student approaching the University with his purse equipped for a nine months' residence[1].

Drinking, quarrelling.

The proportion of idle men was perhaps not larger than in most modern Universities, but for the idle, as for the average student in his lighter moods, there were hardly any amusements except drinking, gambling, and singing at taverns[2], roaming the streets in large gangs under a Captain or otherwise, singing, shouting, dancing, throwing stones, breaking doors or heads, and fighting or quarrelling with townsfolk or students of a hostile Nation. Various

Practical joking.

forms of practical joking of the more violent order enjoyed a high degree of popularity. Among the Archives of the University of Leipsic is a 'libellus formularis' or collection of forms for Rectorial proclamations against the various kinds of disorder which were wont to break out periodically in a medieval University like the recurrent epidemics of pea-shooting, catapulting, and the like at a modern school[3]. Among these is a form of proclamation against destroying trees and crops in the adjoining country, against 'wandering with arms after the town-hall bell,' against throwing water out of window upon passers-by, against wandering at night and beating the watch, against 'horrible shoutings and noisy and unwonted songs,' against wearing disguises, masks, and 'rustic garments' at Carnival-tide, against interfering with the hangman (*suspensor*) in the execution of his duty, against disturbing the Inception banquets or 'Aristotle's feasts,' against attending exhibitions of tilting, wrestling, boxing, and the like, against 'insolences' or practical jokes in general.

[1] Rot. Pat. 15 Ed. III. Pt. iii. m. 8 (Hare, f. 68 *a*); Rot. Parl. 9 Hen. V. cap. 14 (Vol. IV. p. 131).

[2] A Statute of Vienna (Kink, II. p. 76) is directed against 'Scholares brigosi, luxuriosi, ebriosi, disculi, noctiuagi cum instrumentis musicis uel alias ociosi lenocinantes, fures, et precipue Ciuium offensores, taxillorum lusores ... et omnino ostiorum fractores.'

[3] *Statutenbücher*, pp. 102–119.

Contrast between earlier and later Middle Age.

The date of this document is as late as 1495. These were the milder effervescences of medieval spirits at a period when the student had been already reduced to a semi-civilized condition. What his wilder outbursts of fun and frolic had been in the earlier days of unrestrained student-liberty, the reader will already have gathered from some of the Town and Gown narratives which have already been set before him. It may be well however to give a few further illustrations of the kind of violence of which the medieval scholar was alternately the victim and the perpetrator. It is necessary that we should realize vividly what the treatment was against which the medieval scholar—and indeed the medieval clergyman of all grades—sought to be protected by his outrageous privileges, and on the other hand how much excuse there was for the bitterness and fury with which these privileges were opposed and resisted by the lay population. It is perhaps something more than an accident that the instances of lay oppression will be chiefly drawn from the history of Paris, and the illustrations of clerkly violence from the annals of Oxford and other towns wherein the clerkly element bore a larger proportion to the whole population.

The wilder side of University life.

Feud between Parisian scholars and Monastery of S. Germain.

The boundaries of the City of Paris had been extended by Philip Augustus so as to include the suburb south of the river. The western portion of this transpontine region formed the students' quarter, in which were situated most of the buildings used by the University and of the Colleges and Hostels inhabited by the scholars. This *quartier latin*[1] (as it came to be called) extended from the Cathedral of Notre Dame on the Island *cité* to the western wall near the site now occupied by the Palace of the Institute. Medieval Paris, like medieval London, was surrounded by

[1] Denifle has made it clear that the term was originally applied only to the Island, but was gradually extended to the southern bank as the students deserted the former for the latter. See above, Vol. I. p. 279 *sq.*

CH. XIV. a belt of Monasteries, whose Abbots exercised a feudal jurisdiction over the districts surrounding their Churches. Just outside the city wall, to the west of the students' quarter, stood the great Abbey of S. Germain. Outside the Abbey walls was an open meadow or waste ground which had from time immemorial been the promenade of the elder and the playground of the younger students. When the University had assumed the form of a definite corporation, that body or rather its Faculty of Arts claimed the Pré-aux-clercs as its freehold property. The property, or at least the free use of it, was recognized as belonging to the University by the Statutes of the Cardinal Legate de Courçon in 1215. The Monks, however, contended that the property had anciently been theirs and had been unlawfully alienated by one of the secular Abbots in the ages of confusion; and the decision of the Legate appears to have left at all events a boundary dispute between the Abbey and the University unsettled. The unfortunate scholars were in consequence exposed to much annoyance, and at times to violent and organized attacks from the Monks and their retainers. The first recorded outrage of this description occurred in 1278. At the morrow of the Translation of S. Nicholas, the patron Saint of scholars, the fields were crowded with the clerks, when the Abbey bell was heard summoning the tenants and servants of the Abbot and Convent. By order of their black-robed Masters an armed guard took possession of the three city gates which opened on to the Pré, so as to cut off the retreat of the scholars, while to the sound of horns and trumpets and with shouts of 'death to the clerks' the Convent and its retainers, headed by their Provost, sallied forth upon the unarmed and defenceless boys and Masters, and fell upon them with bow and arrow, club, sword, or iron-tipped stave. Many were badly wounded, some mortally, but they were nevertheless dragged off to the 'horrible dungeons' of the Abbey. Those who fled (a Doctor of Divinity and a Doctor of Medicine were among the number) were pursued far and wide over the country.

A monastic excursion.

Punishment of Monks.

It is significant of the lawlessness of the times that the ordinary course of justice seems to have been quite incapable of reaching ruffianism of this kind when committed by such offenders as the Abbot and Convent of S. Germain. The Abbey claimed the 'justice' of the Pré: and was exempt from all episcopal or metropolitical jurisdiction. The University had no resource but to lay their complaint before the King and the Papal Legate, and to threaten a 'cessation' if redress were not granted within fifteen days. The Abbot and the Provost were deprived of their offices, but the penalties imposed were, as usual in such cases, mainly corporate. The Monks were required to found and endow two Chaplaincies, one in the Church of S. Catherina de Valle Scholarium, the other in the Chapel of S. Martinus de Ordeis close to the walls of the Abbey, with annual stipends of £20. At these Chapels mass was to be said for the benefit of scholars 'before play-time[1].' These Chaplaincies were to be in the gift of the University, and formed the nucleus of the considerable patronage (chiefly in Paris) eventually acquired by the University[2]. The brutality of the Monks was not, however, by any means effectually repressed by this humiliation. They were especially sensitive about the claim to fish in the city moat which divided the Abbey grounds from the domain of the University. In 1318 it was necessary to procure a papal Bull empowering the Bishops of Soissons and Noyon to investigate and punish an outrage upon some Priests and other clerks who were enjoying this favourite amusement[3].

[1] 'Ante ludum.'

[2] This account is taken from the *ex parte* statement of the University (Bulæus, III. p. 453 *sq.*; *Chartul.* I. pt. i. No. 480); but the retribution which was meted out to so powerful a Convent (Bulæus, III. p. 454: *Chartul.* T. I. pt. i. Nos. 482, 484, 524; T. II. No. 537, &c.) is sufficient to show that the Monks cannot have had much to say for themselves. Very characteristic of the time, however, is the ample revenue assigned to the deposed Abbot, who is rather praised for his readiness to resign than denounced for an offence which would now get him ten or twenty years' imprisonment or penal servitude in any civilized European country.

[3] Bulæus, IV. p. 175; *Chartul.* T. II. No. 762. There was, however,

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Outrage by Provost of Paris and its consequences.

In 1304 the Provost of Paris hanged a scholar and gibbeted his body in flagrant contempt of the privileges of the University, and (as we are assured by a contemporary historian) unjustly to boot. A cessation of lectures compelled the King to punish the Provost. The offender was required, besides suing for absolution at Avignon, to found two Chaplaincies and present the advowson to the offended corporation. In addition to this substantial penalty, the wounded honour of the clerks was appeased by two most characteristically medieval impositions. The Provost was compelled to cut down the corpse, which had been hanging on the gibbet for some months, and kiss it; while all the clergy of Paris were solemnly convened by the Official (the see being vacant) to march in procession with their respective flocks, each with cross and holy water, to the house of the offending magistrate, and there throw stones against it and utter a solemn exorcism or imprecation against the devil who was supposed to inhabit the building[1].

'Affaire Savoisy.'

Another celebrated outrage on scholars occurred in 1404. The University was now at the height of its power, and the penalties which befell its oppressor were in consequence

much subsequent litigation between the Convent and the University. In 1345 the Convent ceded to the University the patronage of two Churches in Paris—S. Andrew de Arcubus and SS. Cosmas and Damian—in consideration of the University giving up their claims on a piece of adjoining land. A significant clause provides that the Abbey may build 'muros simplices . . . sine quernellio et fortalitiis aliis a simplici muro, per quae Scholares possent laedi.' Moreover, a door leading from the Abbey grounds on to the Pré, through which, no doubt, the armed sallies had been made, was to remain for ever walled up (Bulæus, IV. p. 287). Among the property bought in 1348 by the University as an endowment for one of the Chaplaincies of S. Andrew's Church, we find: 'Item tam homines quam mulieres servilis conditionis ad voluntatem talliabiles et justiciabiles altæ, mediæ, et bassæ' (Bulæus, IV. p. 303).

[1] 'Recede Recede, maledicte Sathana, recognosce nequitiam tuam, dans honorem S. Matri Ecclesiæ, quam, quantum in te est, dehonestasti ac etiam in suis libertatibus vulnerasti,' &c. (Bulæus, IV. 73). It is not quite clear whether the Provost or his house is considered to be possessed, or whether the 'Sathana' is meant to be a mere term of clerical abuse. A similar penalty was imposed for a similar offence upon a later Provost in 1407, but apparently not carried out (Bulæus, IV. 146; Rel. de S. Denys, III. 726). In this case the scholar had admittedly committed highway robbery.

still more exemplary. A University procession was on its way to the Church of S. Catherine, the patroness of scholars, to intercede for the peace of the Church and realm and the health of the King. A party of pages and others in the service of the King's Chamberlain, Charles of Savoisy, on their way towards the Seine to water their horses, met the procession, and, instead of waiting for it to pass, rode in among the scholars. A riot took place in which stones were thrown and some of the boys got trampled on by the horses of their assailants. Savoisy's retainers were not, however, satisfied with the results of the unpremeditated fray; but, retiring to their master's Hotel, procured bows and arrows and other weapons, with which they made a deliberate and still more murderous onslaught upon the scholars, pursuing some of them into a neighbouring Church where Mass was being celebrated. A crowd of indignant clerks, headed by the Rector, proceeded at once to the King, and threatened to leave Paris in a body if justice were not done. The amplest satisfaction was promised: but a suspension of lectures and sermons for six weeks was necessary before it was obtained. Eventually, the master of the truculent household was sentenced to pay a fine of 1000 *livres* to the victims, another 1000 to the University, and to create a rent-charge of the annual value of 100 *livres* for the endowment of five Chaplaincies which were to be in the gift of the University and to be held by Masters. Finally, the Chamberlain was dismissed from all his employments, banished from Court, and his Hotel ordered to be rased to the ground. The latter part of the sentence, we are told by the official record of the proceedings in Parlement, was executed by a great number of the triumphant scholars 'promptly and almost before it was pronounced.' Formal evidence having been given that Savoisy was a clerk, he was exempted from making 'amende honorable[1]' in person, but three of his servants (who were apparently the actual

[1] 'Mulctam infamem, seu, ut vocant, honorabilem.'

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offenders) were ordered to go as penitents to three churches clad in their shirts only, and there carrying lighted tapers in their hand to be publicly flogged on behalf of their master[1].

Proclamation by Official of Paris, 1269.

Another often-quoted illustration of academical morals in the thirteenth century is the Proclamation of the Official of Paris in 1269 in which he denounces a class of scholars, or pretended scholars, who 'by day and night atrociously wound and slay many, carry off women, ravish virgins, break into houses,' and commit 'over and over again robberies and many other enormities hateful to God[2].' Such were the kind of crimes in which the clerical tonsure enabled the Parisian scholar to indulge without the smallest fear of the summary execution which would have been the fate of an apprentice or a 'sturdy beggar' who essayed such pranks. As a means of preventing such outrages in future the Official has nothing more deterrent to hold over the offender's head than the ineffectual threat of excommunication.

Coroner's Inquests at Oxford.

If we turn to Oxford, perhaps the best evidence which comes to our hand is contained in the records of Coroner's inquisitions. Over and over again occurs the dismal record, 'Such and such jurors on their oaths present that M or N, clerk, killed A or B, citizen or clerk (as the case might be—to do him justice it was nearly as often a brother-clerk as a citizen), with a sword or a pole-axe or a knife or an arrow; that he has fled and that there are no goods left' which can be distrained upon[3]. Rarely is the entry varied by the statement that the accused was obliged to take sanctuary, and after so many days abjured the realm. In those rare cases the culprit might be put to the inconvenience of continuing his studies abroad. In the majority of cases

[1] Bulæus, V. 95–109. The Rel. de S. Denys (III. 186*sq.*) makes the destruction a more formal proceeding, carried out by the King's carpenters marching in procession 'cum lituis et instrumentis musicis.'

[2] *Chartul.* T. I. pt. i. No. 426 (wrongly dated in Bulæus, III. p. 95).

[3] See Twyne, MSS. XXIII. p. 154, &c.; Rogers, *Oxford City Docs.* p. 150 *sq.*

nothing worse happened to them than being compelled to go to Cambridge.

Town and Gown at Orleans.

Another illustration may be drawn from the annals of Orleans. In the year 1387, Jean Rion, a citizen of Orleans, employed two ruffians to waylay a Bachelor of the Civil Law named Guillaume Entrant. Catching him on horseback outside the town, they threw him from his horse, and were only prevented from killing him by the arrival of timely succour. On another occasion they were more successful, wounded him 'atrociously and inhumanly in the head and other parts of the body,' cut off a finger and left an arm hanging by 'a slender strip of skin' (*pellicula*). Finally they 'tyrannically' pulled out an eye, and left him for dead. Summoned before the Parlement of Paris, Rion pleaded that the scholar had seduced his wife, and continued the intrigue after having been forgiven and having solemnly pledged himself to abandon it. The fact was notorious and was not denied. The enormous damages claimed by the victim were considerably reduced by the Court. Nevertheless, Rion was condemned to pay 300 *livres tournois* by way of compensation, a fine of 100, and to make 'amende honourable' to the Court, the plaintiff, and the proctor for the University on bended knee and clad only in his shirt. The sentence led to a general outburst of rage and indignation against the scholars. Another scholar was beaten and mutilated 'so that he is expected to die rather than live.' At last there was a regular raid on the scholars 'to the ringing of bells and the sound of trumpets.' Houses were broken open, and scholars dragged out to the town prison. The citizens threatened that all the scholars should die. Nevertheless they do not appear to have done much in execution of their threats beyond beating a scholar's servant and pillaging a house. The scholars, however, fled the town *en masse*. The Captain of the City Guard rode through the suburbs with his men, shouting 'death to the scholars.' One noble youth was so frightened as to hide in a sewer 'for a long time.' The offenders—chiefly, it would seem, Royal officials—were condemned to do

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penance and make 'amende honorable' to the University in the usual way, and to a fine, part of which was to be expended on a picture representing the offenders on their knees before the Rector and other scholars [1].

An Easter scene at Toulouse.

Yet another story from Toulouse. In the year 1332, five brothers of the noble family de la Penne lived together in a Hospicium at Toulouse as students of the Civil and Canon Law. One of them was Provost of a Monastery, another Archdeacon of Albi, another an Archpriest, another Canon of Toledo. A bastard son of their father, named Peter, lived with them as squire to the Canon. On Easter Day, Peter, with another squire of the household named Aimery Béranger and other students, having dined at a tavern, were dancing with women, singing, shouting, and beating 'metallic vessels and iron culinary instruments' in the street before their masters' house. The Provost and the Archpriest were sympathetically watching the jovial scene from a window, until it was disturbed by the appearance of a Capitoul and his officers, who summoned some of the party to surrender the prohibited arms which they were wearing. 'Ben Senhor, non fassat' was the impudent reply. The Capitoul attempted to arrest one of the offenders; whereupon the ecclesiastical party made a combined attack upon the official. Aimery Béranger struck him in the face with a poignard, cutting off his nose and part of his chin and lips, and knocking out or breaking no less than eleven teeth. The surgeons deposed that if he recovered (he eventually did recover) he would never be able to speak intelligibly. One of the watch was killed outright by Peter de la Penne. That night the murderer slept, just as if nothing had happened, in the house of his ecclesiastical masters. The whole household, masters and servants alike, were, however, surprised by the other Capitouls and a crowd of 200 citizens and led off to prison, and the house is alleged to have been pillaged. The Archbishop's Official demanded their surrender. In the case of the superior

[1] Fournier, I. Nos. 212, 215.

ecclesiastics, this after a short delay was granted. But Aimery, who dressed like a layman in 'divided and striped clothes' and wore a long beard, they refused to treat as a clerk, though it was afterwards alleged that the tonsure was plainly discernible upon his head until it was shaved by order of the Capitouls. Aimery was put to the torture, admitted his crime, and was sentenced to death. The sentence was carried out by hanging, after he had had his hand cut off on the scene of the crime, and been dragged by horses to the place of execution. The Capitouls were then excommunicated by the Official, and the ecclesiastical side of the quarrel was eventually transferred to the Roman Court. Before the Parlement of Paris the University complained of the violation of the Royal privilege exempting scholars' servants from the ordinary tribunals. The Capitouls were imprisoned, and after a long litigation sentenced to pay enormous damages to the ruffian's family and erect a chapel for the good of his soul. The city was condemned for a time to the forfeiture of all its privileges. The body was cut down from the gibbet on which it had been hanging for three years, and accorded a solemn funeral. Four Capitouls bore the pall, and all fathers of families were required to walk in the procession. When they came to the Schools, the citizens solemnly begged pardon of the University, and the *cortége* was joined by 3,000 scholars. Finally, it cost the city 15,000 *livres tournois* or more to regain their civic privileges [1].

Violence of medieval life in general.

It must be remembered that the violent scenes which crowd the records of a medieval University are only an extreme development of the violence which characterizes medieval life in general. It is, however, not so much the frequency of violence which distinguishes medieval society from modern as the status and position of the persons who abused, insulted, challenged, and fought each other like 'roughs' or small boys at school. At the present day, party feeling sometimes runs high, but we do not hear

[1] All the documents are printed by Fournier, I. Nos. 563–589.

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of an ex-Mayor of Cambridge wishing to fight the Chancellor[1]. Scenes of disorder occur in modern Universities, but the Rectors and Professors, Heads and Tutors take no part in them. Sometimes, too, violence of this kind was not merely the act of isolated individuals, however eminent, but the concerted resolution of grave Assemblies. We have seen how at Oxford the bell of S. Mary's was wont to summon the gownsmen to do battle with the town when the bell of S. Martin's was set going by the Mayor. At Paris we find the Norman Nation taking a solemn vote in Congregation as to the propriety of an attack upon another Nation[2]. The attack was voted, with the result that 'one was killed and another mutilated.' Our knowledge of the fact comes to us from a 'dispensation from irregularity' granted to a clergyman, afterwards beneficed, who had voted for what is justly described as 'the war.' It must, however, remain doubtful whether the 'Congregation' described was a Congregation of Masters or of students—possibly the latter.

Drinking Customs.

Bibulosity of medieval life.

The violence of medieval University life was almost equalled by its bibulosity[3]. Even the staunchest teetotaller might well accord a certain toleration to drinking habits in a community which knew not tea, coffee, or tobacco, and in which life, unbrightened by wine or beer, must have been almost intolerably tedious. In this respect, it is true that it is but recently that our English Uni-

[1] Cooper, *Annals*, I. p. 164; Hare MS. (Camb. Archives) II. p. 57.

[2] 'In quadam congregatione scolarium nationis sue in qua fuit istud propositum, utrum placeret illis, qui erant ibi, quod forciores de natione se armarent et invaderent alios de alia natione' (*Chartul. Univ. Paris.* T. II. No. 1072a).

[3] Illustrations without number might be cited from the *Carmina Burana*; the well-known song beginning (p. 69) 'Meum est propositum in taberna mori' may serve as a type. Nothing can exceed the grossness of some of these songs; but the student-poetry of the Middle Age was not all bacchic or erotic or profane. A somewhat unfair impression in this respect is given by the collection translated by J. A. Symonds, *Wine, Women, and Song* (London, 1884).

versities have begun to throw off their medieval traditions: there are Universities in which it reigns still. But there can be no better illustration of the nonsense commonly talked about the moralizing and elevating effects—I will not say of education—but of mere instruction than the annals of the medieval Schools. The average medieval scholar was much better instructed, much more cultivated (in so far as purely intellectual training communicates culture) than the mass of the working class can ever be on leaving school. Yet his habits, his manners and moral tone generally were in many ways no better than those of the roughest and most uncivilized classes of modern society. From an evening tour through some of the worst dens and alleys of Seven Dials and Ratcliffe Highway, before the institution of the Metropolitan Police, there might have been gathered some faint conception of what life in a medieval University town must have been like, say at the end of the thirteenth century.

Drinking at Examinations, &c.

To return to the subject of drinking-customs—no important events of life could be got through without drinking. We have already spoken of the mode of celebrating 'jocund advents,' Determinations and Inceptions; and many of the minor steps in the career of a University man were celebrated by feasts and drinking-parties given by the successful and elated candidate [1]. And it was not only after a University exercise but during its progress that the need of refreshment was apt to be felt. Wine was provided for the distinguished visitors to the Schools at Determinations. Many Statutes allude—some by way of prohibition, but not always—to the custom of providing refreshment of the same kind for the Examiners by the Examinees, whether before, during, or after an Examination [2]. One of the main

[1] Thus by a Statute of Ingolstadt there is to be no drinking at the Chancellor's house after the Examination, but it was provided 'ut licentiandus iam de recipienda licentia certificatus det de vino ytalico et speciebus doctoribus . . . et sociis venientibus ad congratulandum ei in loco ameno [? under the trees in front of the suburban wineshop] vel in domo sua' (Prantl, II. p. 66).

[2] Bulæus, IV. 391. Thus at Heidelberg, 'examinandi . . . ipsis temptatoribus nichil cibi aut potus ad locum examinis sive temptationis apportent.' But the Examiners could

CH. XIV. objects for which the Nations existed at Paris was the celebration of 'Feasts,' which began with a solemn Mass and was concluded with a banquet in a neighbouring tavern; from time to time it was long the regular custom of the Nations to consume their surplus revenue by a carouse at the tavern [1]. The fee of the prelate who celebrated on such occasions was paid by a present of wine. The Statutes of many German Universities forbid the Rector to give 'propinationes' at the expense of the University without its consent. A newly elected officer was required to entertain his constituents with 'spiced wine.'

Oaths.

Frequency of oaths.

Another characteristic feature of medieval life, vividly illustrated by the history of the Universities, is the inordinate multiplication of oaths. The tremendous penalties involved by perjury supplied so convenient a sanction for all kinds of rules and regulations that their aid was invoked on the most trifling occasions. Modern common-sense would naturally suggest that, when attendance at lectures was required, such attendance should be secured by calling over the names; in the Middle Ages the natural thing seemed to be to compel the supplicant for a degree to swear that he had attended the lectures. When a regulation was made, it was almost the invariable practice to require the persons affected to swear that they would observe it or that they had observed it. The candidate

not do without refreshment: 'Scilicet ipse pro tempore decanus de facultatis pecuniis potum dare debet prefatis temptatoribus' (Hautz, *Gesch. d. Univ. Heid.* II. p. 353). So at Leipsic the candidate is forbidden to treat (*facere propinam*) the Examiners before the examination (Zarncke, *Statutenbücher*, p. 362). But here again they were required to spend their fees as Examiners in 'prandia,' 'balneum intrando' (*ib.* p. 363). So at Ingolstadt, while bribes are forbidden, the Examiners are to receive a knife from each successful candidate in addition to the gloves presented to the rest of the Faculty (Prantl, II. 115). In the medical examinations at Vienna each candidate was required to spend a florin 'pro confectionibus' (Kink, II. p. 163).

[1] The custom was abolished by the English Nation in this year (Bulæus, IV. 674). Cf. *Chartul.* Auct. I. c. 363.

for an Examination had to swear that he would not offer a bribe to the Examiner; the Examiner had to swear that he would not receive one. The candidate had moreover in some Universities to swear not to wreak his vengeance by knife or dagger upon a 'ploughing' Examiner[1]. The authority of every officer was enforced by an oath of obedience. The graduate was sworn in detail not to do almost all the things that previous University legislation had forbidden. College servants, like the retainers of great households, were sworn to obey their masters[2]. In earlier University legislation nearly every prohibition was made under penalty of excommunication or at least of incurring the guilt of perjury. It is instructive to observe in later statutes and ordinances a growing disposition to substitute written certificates for corporal oaths, and pecuniary penalties for spiritual terrors. It was found that practically a fine of half a crown was more deterrent than the most tremendous denunciations of postumous vengeance, or of spiritual penalties in this life which depended for their enforcement upon the scrupulosity of the penitent and the severity of the Penitentiary or the Confessor[3].

Prevalence of perjury.

We need not go back to medieval history to illustrate the fact that an unwavering acquiescence in the reality of supernatural terrors may at times exercise but little deterrent effect upon the ordinary life of believers. It is only in the hour of death that such terrors really appeal to the imagination of the worst men: and in youth and health men do not think they are going to die. Yet the close juxtaposition of superstition and the grossest irreverence is a rather startling feature of medieval student-life. When we

Irreverence and superstition.

[1] So at Leipsic. Zarncke, *Statutenbücher*, p. 322.

[2] E. g. at the Coll. de Plessis. Félibien, III. p. 387.

[3] A late Paduan Statute runs as follows: 'Primo ne tota universitas nostra pereat ac deinceps scholares periurii atque falsarii et infames habeantur, statuitur quod ubicunque invenitur poena periurii in statutis, loco periurii ponatur poena quinque librorum et privationis uocis per annum' (*Stat. Artist. Achad. Patav.* f. xxxii *b*). An Oxford Statute of 1432 speaks of 'poena pecuniaria his diebus, ceteris plus timorosa' (*Mun. Acad.* p. 305), with reference to the futility of excommunication.

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are shocked at some of the secular things that medievals did in churches which were supposed to be in the most material sense the dwelling-place of Deity, the superstition may sometimes perhaps be with us as much as with them. But it is strange to find that it should have been necessary for William of Wykeham to forbid dancing in his College Chapel [1]. And it is difficult to believe that, in the century which witnessed the final triumph of the dogma of transubstantiation, it should have been necessary to denounce excommunication against students who played dice upon the very altars of Notre Dame de Paris by way of giving a finish to the dancing and singing processions in the public streets with which the Feast of a Nation used to be celebrated [2].

Playing dice on altars.

State of Morality.

Jacques de Vitry's testimony.

A still darker side of medieval University life must be glanced at if the reader is to be presented with a faithful picture of things as they were. The *locus classicus*, as it may be called, on the subject of student immorality in the Middle Ages is a passage of Jacques de Vitry. Often as it has been quoted, it may be well to reproduce it once more in the original language:—

'Tunc autem amplius in clero, quam in alio populo, dissoluta, tanquam capra scabiosa et ouis morbida, pernitioso exemplo multos hospites suos undique ad eam affluentes, corrumpebat, habitatores suos deuorans, et secum in profundum demergens. Simplicem fornicationem nullum peccatum reputabant: meretrices publice ubique per vicos et plateas ciuitatis passim ad lupanaria sua clericos transeuntes quasi per violentiam pertrahebant. Quod si forte ingredi recusarent, confestim eos sodomitas post ipsos conclamantes dicebant. Illud enim foedum et abominabile vitium adeo ciuitatem, quasi lepra incurabilis et venenum insanabile, occupauerat, quod honorificum reputabant, si quis publice teneret unam vel plures concubinas. In una autem et eadem domo schole erant superius, prostibula inferius. In parte superiori magistri legebant, in inferiori meretrices officia turpitudinis exercebant. Ex una parte meretrices inter se, et cum lenonibus litigabant; ex alia parte disputantes et contentiose agentes clerici proclamabant.'

. . . . . .

'Non solum autem ratione diuersarum sectarum, vel occasione dispucionum sibi inuicem aduersantes contradicebant; sed pro diuersitate

[1] See above, p. 672.

[2] Bulæus, III. p. 432; *Chartul.* T. I. pt. i. No. 470. It is characteristic of the time that the offence is aggravated by being described as 'non sine nota heretice pravitatis.'

regionum mutuo dissidentes, inuidentes et detrahentes, multas contra se contumelias et opprobria impudenter proferebant, Anglicos potatores et caudatos affirmantes: Francigenas superbos, molles et muliebriter compositos asserentes: Theutonicos furibundos, et in conuiuiis suis obscenos dicebant: Normannos autem inanes et gloriosos: Pictauos proditores et fortune amicos. Hos autem qui de Burgundia erant, brutos et stultos reputabant: Britones autem leues et vagos iudicantes, Arturi mortem frequenter eis obiiciebant. Lombardos auaros, malitiosos et imbelles: Romanos seditiosos, violentos et manus rodentes: Siculos tyrannos et crudeles: Brabantios viros sanguinum, incendiarios, rutarios et raptores: Flandrenses superfluos, prodigos et comessationibus deditos et more butyri molles et remissos, appellabant. Et propter huiusmodi conuitia de verbis frequenter ad verbera procedebant[1].'

Before drawing too sweeping inferences from this passage, some deductions must be made. Jacques de Vitry was a mystic, a monk, and a preacher of an impassioned, not to say fanatical type. He habitually paints the morals of his age in the darkest colours. It must, moreover, be observed that there were special circumstances which account for some of the most revolting features in the picture. In the early years of the thirteenth century the Schools were confined by the action of the capitular authorities to the densely-crowded streets of the Island round Notre Dame[2]. The habitation of the sons of the prophets, as the Masters themselves proclaimed, was too narrow for them. When the Quartier Latin had enlarged its borders and the *vicus stramineus* had become the centre of academic Paris, we may believe that quite such open violations of external decency could hardly have been the rule. But there is, unfortunately, only too much evidence that de Vitry's picture of the scholastic life of his age, if exaggerated, is not fundamentally untruthful[3]. In this respect, as in others, it is probable, however, that a considerable improvement was effected by the stricter discipline of the Colleges and Halls towards the close of our period.

[1] *Hist. Occidentalis*, Duaci, 1596, pp. 277–279. Perhaps the fact that a Master (*collegiatus*) should boldly complain to the Faculty against a Bachelor for assaulting his 'focaria' (*Mon. Univ. Prag.* III. p. 79) will illustrate the prevalent low standard in such matters as well as any more highly coloured denunciation. This was in 1499.

[2] But see above, vol. I. p. 279.

[3] A less suspected witness against the morals of Paris is Roger Bacon, *Op. Ined.*, ed. Brewer, p. 412.

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Intellectual Enthusiasm.

Intellectual enthusiasm.

The character of any age, any country, any class, may no doubt be made to look very black indeed by the historian who does nothing but summarize its vices. But where are we to turn for materials to aid us in reproducing the brighter side of University life in the Middle Ages? The nobler deeds of active life may at times find their 'vates sacer': the life of the virtuous student has no annals. If we want to appreciate the nobler side of medieval scholastic life, we must contemplate the enormous intellectual enthusiasm which characterized its best period. The monastic ideal had consecrated study so long only as it moved in a very narrow groove. Secular knowledge was in the strictest sense the mere handmaid or rather the mere bondslave of Theology: and Theology meant simply the interpretation of the text of Scripture and the authoritative *dicta* of Fathers or Church. The intellectual revolution of the twelfth and thirteenth centuries threw open to the student the whole range of Science in so far as it was covered by the newly discovered treasures of Greek Science, Medicine, and Philosophy, and by the monuments of ancient Roman Jurisprudence. Theology remained Queen of the Sciences, but a grander and nobler conception of Theology arose—a conception which the modern world, alas! has all but lost. Theology became not the mere Chinese Mandarin's poring over sacred texts, but the architectonic science whose office it was to receive the results of all other sciences and combine them into an organic whole, in so far as they had bearings on the supreme questions of the nature of God and of the Universe, and the relation of man to both. However much the actual methods and systems of the Schoolmen fell below the grandeur of their ideal, the ideal was one which cast a halo of sanctity over the whole cycle of knowledge. The merely external and almost accidental connexion of the Universities with the ecclesiastical organization of the

Medieval ideal of Theology.

Western Church contributed to the same result. The interests of Learning became associated, if not identified, with the interests of the Church: the pursuit of knowledge became an end in itself: a disinterested intellectual enthusiasm became an element of the Churchman's ideal. So far from knowledge being valued only as a means to immediate edification and sacerdotal equipment, the educational blunder of the age lay rather in the opposite direction; the subjects of the Churchman's education (if we except the narrowing and somewhat demoralizing study of Law) had too little to do with his future work in life, either on its secular or its religious side. The great work of the Universities was the consecration of Learning: and it is not easy to exaggerate the importance of that work upon the moral, intellectual, and religious progress of Europe.

The consecration of Learning.

Some reserve is of course demanded in applying general reflections of this kind upon the character of an age, its institutions, and its ideals, to the ordinary life of its average representatives. The earnest students were probably—except perhaps in the age of Abelard or in the very first flush of the Aristotelian Renaissance—a minority. Yet there must have been an immense mass of real intellectual enthusiasm for the development of a University to become possible. If we have any adequate appreciation of what a journey over half Europe, or even half England, meant to a poor man in a semi-civilized age, the movement which brought hundreds or thousands of men and boys to the great centres of enlightenment will seem at least as noteworthy, as epoch-making a movement, as the stir in the active life of the period which produced the Crusades. Undoubtedly this wild outburst of intellectual ardour which marked the age of Abelard cooled very rapidly as it crystallized into the institutional machinery of the University system. Yet the very absence of discipline, of compulsion, of domestic supervision in these Universities of boy-students, the very ease with which (quite early in their history) degrees were obtained, the very laxity of discipline which has so often surprised us in the earlier portions of our narrative, testify

The average student.

CH. XIV. to the existence of vast numbers of real students, or the machine could never have gone on as it did. The literary productivity of the Universities is another piece of evidence tending to the same result. A University that is intellectually alive is not likely to be educationally inefficient. The almost superhuman diligence, the extraordinary concentration of reasoning power, the laborious subtlety of the great Schoolmen must have had their fainter counterparts in vast numbers of keen and active and industrious brains. And it is to the moral discipline which all earnest intellectual work carries with it that we must look for the chief surviving evidences of a nobler life than that which is revealed to us by the brawls and the follies and the sensualities of University life—those light things which the stream of time has carried along on its surface and laid in almost bewildering abundance at the feet of the modern wanderer by its shores.

The Universities and the Crusades.

That newborn ardour in the pursuit of 'the pearl of Science' which ushers in the University epoch has been already compared to the great outburst of crusading enthusiasm. The parallel is instructive in more ways than one. To suppose that every student of the twelfth or early thirteenth centuries, even if he were one of those who faced toil and privation in the effort to graduate at Paris or at Oxford, was moved by pure and disinterested enthusiasm for knowledge would be as absurd as to see a saint or a hero in every impecunious Baron or soldier of fortune who fought for the Cross beneath the walls of Acre or of Damascus. The spirit of adventure, the desire to see the world, the ambition for distinction and promotion, even the baser thirst for booty, entered as largely into the motives of the average student as into those of the average Crusader. Indeed, to the ambitious youth of the thirteenth century whose soul rebelled against the narrow limits of his native manor, his native farm, or his native shop, or against the still humbler lot to which numerous brothers might condemn a younger son, there were but two avenues of advancement open. For the man of sinew and of courage War offered chances:

though to the humbly born the chances were small, at least in the first half of our period. To the boy conscious only of brains and energy the Universities brought all the glittering prizes of the Church within the limits of practicable ambition: and, even apart from prizes, learning and academic position secured social status. As time went on, as the Universities passed into the ordinary machinery of the ecclesiastical system and increased in number, the more romantic motives which had influenced the hearers of Aquinas and Grossetête passed more and more into the background, and the Universities became simply the ordinary door to clerical preferment [1].

Aims and prospects of University students.

Mixture of motives.

The brilliant pictures which imaginative historians have sometimes drawn of swarms of enthusiastic students eagerly drinking in the wisdom that fell from the lips of famous Masters have perhaps somewhat blinded us to the fact that the motives which drove men to the University exhibited much the same mixture and much the same variety as they do now. The pleasures of a University town bore their part in filling the Halls. The picture which has been drawn of the life that went on in them may not commend itself to the imagination of an age remarkable above all other ages for its ingenuity in the discovery of new amusements. But, at all events, in a great University then as now men of the most widely different tastes and interests, found, in a perfection rarely elsewhere obtainable, what is to most men the condition of all other pleasures—an abundance of varied, congenial, but not exacting society. The principle 'nullius boni sine socio iucunda possessio' was nowhere better understood than in a medieval University. This motive was especially operative with those large

[1] By the Statutes of some of the German Chapters, study or graduation at a University was made a condition of enjoying the full rights of a Canon, with or without exception in favour of 'de militari genere procreati.' For instances, see Paulsen in Sybel's *Hist. Zeitschrift*. T. 45, p. 309 *sq*.

CH. XIV. numbers of older men who got leave of absence from their benefices under pretext of study in the Universities. To such men the good company, the excitements, the license of a University town afforded a welcome relief from the monotonous routine of the Cathedral close or the isolation of a country living[1]. To the great mass of the younger students, however, the University was simply the door to the Church: and the door to the Church at that time meant the door to professional life. The key to a right idea of the relation of the northern Universities to the Church lies in an appreciation of this fact. In southern Europe it was otherwise. Where the law of the country was more or less entirely based upon the Civil Law (as was the case over most of Europe), the Universities were the ordinary places of education for the great legal profession, which in the South was in the main a lay profession. In Italy a degree in Civil Law was the passport to lay public employment of every description; while the medical profession was at once more important and less clerical than in England or northern France.

The Church and the professions.

In the North of Europe the Church was simply a synonym for the professions. Nearly all the civil servants of the Crown, the diplomatists, the secretaries or advisers of great nobles, the physicians, the architects, at one time the secular lawyers[2],

[1] Cf. a Statute of Caen in 1439: 'Plerumque multi diversorum statuum sepe nituntur ad studia, non causa proficiendi, transire sicut nonnulli abbates, priores, curati, viri ecclesiastici, seculares etiam et plures uxorati, mercatores, mechanici et alii inepti ad litteras, sed ea solum intentione ut fraudent ecclesias divinis obsequiis, cessent ab obedientia suorum superiorum, et eximentur a juridicione eorumdem, vexent indebite per citationes pauperes, simplices, absolvantur a tailliis et subventionibus regiis, juridictionem tam ecclesiasticorum quam secularium dominorum effugiant et perturbent facientes diversos transportus fraudulentos [i. e. engaging in commercial transactions under cover of exemptions from tolls, &c.] et similia committentes juri dissona et statui ecclesiastico penitus contraria' (Fournier, III. No. 1652).

[2] According to Pulling (*Order of the Coif*, p. 11), it was not till the middle of the thirteenth century that ecclesiastics were finally banished from the Common-law bar and bench in England, but even after this it is probable that the bar was often recruited from clerks educated at the Universities, and at times in minor orders which conferred no indelible 'character.'

all through the Middle Ages the then large tribe of ecclesiastical lawyers, were ecclesiastics. It is true, as has been already pointed out, that clerkship did not necessarily involve even minor orders. But, as it was cheaper to a King or a Bishop or a temporal magnate to reward his physician, his legal adviser, his secretary or his agent by a Canonry or a Rectory than by large salaries, the average student at Oxford or Paris—however little he might be looking forward to priestly duties as the real work of his life—generally contemplated holy orders as his eventual destination[1]. To the non-noble scholar ecclesiastical promotion could hardly come except through some of these secular professions. If he continued to reside and teach in the University, he might in time get a prebend or a living by means of the *rotulus beneficiandorum* and Papal provision: or University distinction might directly recommend him for the highest preferment. A Chancellor of Oxford, for instance, was often made a Bishop. Ecclesiastical reformers complained loudly of the way in which the Universities were thronged by beneficed ecclesiastics hanging on in search of better preferment. But if they left the University, there was, as I have said, little chance for most men in the way of advancement except through secular work. A Priest who had secured an important Cathedral dignity might indeed, even in the retirement of his close, obtain a professional reputation, and so rise higher by favour of a Chapter or a Bishop. But a young man who took a country living or a parochial chaplaincy and devoted himself to the discharge of his spiritual duties would inevitably have remained 'not dead but buried' for the rest of his days. The idea of making a man a Bishop or

Payment by benefices.

The Universities a road to preferment.

[1] By Canon Law, minor orders were sufficient to enable a clerk to hold a benefice, without the inconvenience of being bound to the recitation of the canonical hours, though incumbents of benefices with cure were compelled to take Priest's orders within a year after attaining the proper age. But dispensations were very freely given to clerks in the service of Kings or magnates, and to students in the Universities. Many Canonries could be permanently held by Deacons or Subdeacons.

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an Archdeacon on account of his zeal, his energy, and his success in the humble round of parochial duty is one which would hardly have occurred to sensible men in medieval times[1]. If a King had a mind for a saintly prelate, his choice would have fallen in the twelfth century on a monk and in the thirteenth on a friar or a noble or an academic Doctor who had a reputation for piety as well as for learning. Secular Bishops were usually, especially in England, respectable men even in their youth, and still more often devout enough in their old age, but their sees were rarely won either by devoutness or by pastoral activity. The professional work of the higher clergy consisted almost entirely in ecclesiastical administration, for which the study of Canon Law was considered the most important qualification[2]. The intermediate grade of clergy were for the most part content with a degree in Arts. The lowest class—the Curates or Vicars of absentee Rectors, the Vicars of impropriated Churches, the Parochial Chaplains and Chantry Priests, the great tribe of Priest-Vicars, Secondaries, Annuellers, and other very 'inferior' clergy who swarmed in amazing numbers round the precincts of the great Cathedrals—of these it is probable that only a small proportion had a University degree: many could never have been at a University at all[3]. And, indeed, for most

No Theology for the mass of clergy.

[1] Cf. the complaints of Clemangis as to the large number of idle absentees who crowded the Universities (in Bulæus, IV. p. 891): 'Et tamen cum hodie turbam Magistrorum cernamus, quorum pauci sunt, qui non curandas oues susceperint; cuncti pene in studiis ætatem conterunt.' If they retired to their benefices, they think they would get no further promotion: 'in locis autem studiorum multi ad opulentiorem sortem aditus patent.... Portantur Rotuli, quæruntur ad Curiam legationes Principum.' And even when they did, this is his picture of their pastoral activity: 'Quis in universo regno, nisi forsitan tu ille es' (he says to his correspondent), 'qui gregem suum pascere curet aut etiam nouerit, immo qui lana et lacte non assidue spoliet' (Clemangis, *Opera*, Lugduni Batav. 1613, II. p. 339 *sq.*).

[2] Gerson, *De Examinatione Doctrinarum* (*Opera*, I. p. ii). Cf. Péries, *Fac. de Droit dans l'anc. Un. de Paris*, p. 17.

[3] Probably many had been for some short period at a University without taking a degree. This is proved by the large numbers of the

of such duties as these men had to perform academical learning was hardly required; it was enough if they knew the Breviary by heart and could sing a mass. Even for the Parish Priest with cure of souls 'pastoral' or 'spiritual' duties, over and above those of a purely mechanical nature, meant mainly two things—preaching and hearing confessions. A Priest who had not had a theological education as a rule considered himself incapable of preaching: the silencing of the pulpits was one of the effects of the passion for the Canon Law on the one hand, and for the Scholastic Philosophy on the other, those effects being still further aggravated by the enormous expenditure of time required for a theological course by the University system. For the hearing of confessions the Artist Priest was equally untrained. Hence the really effective discharge of pastoral functions and the popular influence attaching to these functions was almost wholly abandoned to the Mendicants, among whom alone systematic theological training was enforced as a preliminary to the Priesthood. The consequences of this abandonment can hardly be adequately expressed in a few sentences. While the Mendicants were the best educated and the most active body of working clergy, while—at least in their earlier days—they absorbed into their ranks nearly all the religious enthusiasm which was to be found in the clerical order, they were also the most conservative, the least progressive, the most ultramontane, and the most disposed to encourage every species of lucrative charlatanry and popular superstition. It is curious to reflect how largely the survival from the Middle Ages of the traditions of secular University education for the secular clergy, surviving to our own day, accounts alike for the liberal culture, the social influence, and the somewhat low standard of theological attainment

Universities compared with the comparatively small proportion of graduations. As to the rest, I know of little direct evidence. One must draw one's own inferences from, on the one hand, the large numbers of University students, and, on the other hand, the appalling ignorance—especially theological—of the clergy at the time of the Reformation.

CH. XIV. by which, as a body, the Anglican clergy in recent times have usually been characterized.

The Mendicants and the Seculars.

The comparison which has been instituted between the Mendicants and the secular clergy requires some qualification as regards the last half of our period. The increasing corruption of the Mendicant Orders produced by the middle of the fourteenth century a reaction in favour of their secular rivals. Chaucer's ideal clergyman was a Secular, whatever foundation there may be for the tradition that John Wycliffe himself formed the model for his portrait. This turn of the tide did not lead to any very widespread improvement in the moral tone or the pastoral efficiency of the parochial clergy as a body; but it probably did lead to not a few earnest men remaining in their ranks who would infallibly have become Friars had they lived a century earlier. The Wycliffite and Hussite movements differed from previous revivals above all in being secular movements. Indeed, the Reformation itself, though (as it chanced) inaugurated by a secular Master who had turned Friar, was from one, and that not the least important point of view, simply a restoration to its ancient dignity of the parochial pastorate.

Religious Education.

No 'religious education' for Artists.

In view of current misconceptions as to the 'religious' character of the medieval Universities, it may not be amiss to point out how little 'religious education' the medieval University supplied for the future Priest. Except in so far as it taught him to construe his Breviary and qualified him to read a provincial constitution or an episcopal mandate in Latin, there was no relation between the studies of the Artist and the work of the ecclesiastical order. That education might be a good—even an indispensable—foundation for the studies of the Theologian; but in a large majority of cases that foundation must have remained with little or no superstructure. Even when College foundations had multiplied, but a small minority of the clergy could

have obtained theological fellowships or bursaries within their walls. Outside the Colleges, the wealthier and more ambitious students betook themselves to Canon Law rather than to Theology; the poorer must usually have left the University with a degree in Arts or with no degree at all, and consequently without even the rudiments of a theological education. Theological knowledge the Artist had none, except what he might perchance have picked up at a University sermon. It is indeed a mistake to suppose that the medieval Church, at least in England, up to the reaction against Wycliffism, was actively opposed to Bible-reading even on the part of the laity; still less would it have had any disposition to interfere with it in clerks at the University. But a student in Arts would have been as little likely to read the Bible as he would be to dip into Justinian or Hippocrates[1]. Much astonishment has sometimes been expressed at Luther's 'discovery' of the Bible at the Convent Library of Erfurt. The real explanation of his previous ignorance of its contents is that Luther entered the Order a Master of Arts who had never studied in a theological Faculty. Even the highly educated secular Priest, who was not a Theologian, or at least a Canonist[2], was not supposed to know anything of the Bible but what was contained in his Missal and his Breviary[3]. So much party capital has at times been made out of the supposed 'religious' character of the medieval Universities that it is necessary to assert emphatically that the 'religious education' of a 'bygone Oxford,' in so far as it ever had any existence, was an inheritance not from

Luther and the Bible.

[1] A good illustration of this occurs in a Franciscan constitution of *circa* 1292: 'Nullus frater Bibliam vel Testamentum de elemosina habeat, nisi sit ad studium aptus vel ad predicandum ydoneus' (*Chartul. Univ. Paris.* T. II. No. 580).

[2] As the Bible was one of the sources of Canon Law, we do occasionally hear of the Canonist attending lectures upon it, though the Faculties do not appear to have required such attendance. But he wanted little more than a knowledge of texts to introduce into the pious preambles of legal documents.

[3] It is true that till he became Friar, Luther had some difficulty in even getting access to a copy of the *whole* Bible, and that a Doctor of Divinity might be grossly ignorant even of the New Testament.

CH. XIV. the Middle Ages but from the Reformation. In Catholic Europe it was the product of the counter-reformation. Until that time the Church provided as little professional education for the future Priest as it did 'religious instruction' for the ordinary layman. Seminaries for the Priest, Catechisms, and careful preparation for first communion, whether at the Universities or elsewhere, are the product of the counter-reformation, not of the Middle Age. The whole medieval University system, even the College system in the developed form which it had attained by the end of the fifteenth century, was about as unlike the modern Seminary as anything that can well be imagined. If in one sense the Seminary system is the great weakness of modern Romanism, in another it is its strength. It does at least secure careful religious and moral training and competent professional knowledge for the future Priest; and this is just what the medieval University system hardly attempted to do.

Ordination Examinations.

Not only the Universities but even the Bishops seem, in so far as they required any real standard of learning from candidates for holy orders, to have insisted mainly on secular learning. The Founder of a College at Avignon forbids his scholars to proceed to Priest's orders till they had acquired a knowledge of Physics and Metaphysics and had had adequate practice in disputation and maintaining conclusions. The only piece of religious knowledge prescribed is the first (and mainly philosophical) part of S. Thomas' *Summa Theologiae*. The Deacon must have studied the Logic of Petrus Hispanus and the 'Old Logic' of Aristotle. The Sub-deacon was required merely to know the *Doctrinale* of Alexander de Villa Dei, and the work of the Renaissance Grammarian Perotus[1]. A Bishop is said to have been degraded for being ignorant of Donatus: it may be doubted whether it could be shown that any one in medieval times was ever refused ordination—much less degraded when already ordained—for any

[1] Fournier, II. No. 1399 (1491–4 A.D.).

degree of religious or theological ignorance which was not incompatible with ability to say Mass.

Value of a Medieval Education.

Educational value of a study distinct from intrinsic value.

What was the real value of the education which the medieval University imparted? That is quite a different question of course from the question of the intrinsic importance of the scholastic Theology and Philosophy, or again of medieval Jurisprudence and Medicine, in the history of thought; just as the intrinsic value of Greek Literature and Philosophy to the world is quite a distinct problem from the educational value of an ordinary classical education to the average boy. It is true that the problems are not unconnected, and it may sometimes be a melancholy necessity that to enable one man to study a subject with effect a dozen should be doomed to study it without profit. But for the present it is the educational value of the medieval University system that is in question.

Incompetence and neglect of teachers.

To the modern student, no doubt, the defects of a medieval education lie upon the surface. The external defects of the University organization have already been incidentally noticed. In the older University system of northern Europe there is the want of selection and consequent incompetency of the teachers, and the excessive youth of the students in Arts. In the higher Faculties too we have encountered the constant effort on the part of the Doctors to evade the obligation of teaching without surrendering its emoluments, while the real teaching devolved upon half-trained Bachelors. It is, indeed, in the Student-Universities that the chairs would appear to have been most competently filled and their duties most efficiently discharged; in medieval times students were more anxious to learn than teachers were to teach. In the earlier period again there was an utter want of discipline among students who ought to have been treated as mere schoolboys. The want was partially corrected by the growth of the College system, but the improvement in

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No classification of students.

this respect was balanced by the decay and degradation in the higher intellectual life of the Universities. The Englishman, accustomed to divide all human intellects by the broad line which separates the 'passman' from the 'honourman,' will further notice a want of classification in the system[1]. The *Organon* and the *de Anima* must probably have been above the heads of a very large proportion of the mere schoolboys who were set down to them. It is perhaps to this cause (the want of funds was another) that we must attribute the very small proportion of students who ever attained even the B.A. degree, in spite of the mildness of medieval Examiners. There is considerable reason to believe that in the Middle Ages a larger proportion than at the present day of the nominal students derived exceedingly little benefit from their University education.

'Oxoniam multi veniunt, redeunt quoque stulti.'

In the earlier part of our period this must have been peculiarly the case, when so little exertion on the part of the student himself was required. A man was allowed year after year to sit through lectures of which he might not understand one word; later on this defect was partly remedied by the multiplication of 'exercises' in College and Hall.

Too dogmatic and too disputatious.

For the fairly competent student the main defects of a medieval education may be summed up by saying that it was at once too dogmatic and too disputatious. Of the superstitious adherence to Aristotle or other prescribed authority sufficient illustrations have already been given. It is of course a direct outcome of the intellectual vice of the age—a vice of which the human mind was by no means cured by the Renaissance or the Reformation. It lasted longest where it was most out of place. In the middle of

[1] Foreign Universities seem to experience no such need—probably because a large proportion of our passmen have no business in a University at all, and would not be admitted to one in Germany: but the German system does, no doubt, compel men to write dissertations who would be better employed in reading for a Pass or a Fourth in History.

the seventeenth century a Doctor of Medicine was compelled by the English College of Physicians to retract a proposition which he had advanced in opposition to the authority of Aristotle under threat of imprisonment. It may seem a contradiction to allege that this education by authority was at the same time too controversial. Yet the readiness with which the student was encouraged to dispute the thesis of a prescribed opponent, and the readiness with which he would swear to teach only the system of a prescribed authority, were but opposite sides of the same fundamental defect—the same fatal indifference to facts, the facts of external nature, the facts of history, and the facts of life. Books were put in the place of things. This is a defect which was certainly not removed by the mere substitution of Classics for Philosophy. If in medieval times words were often allowed to usurp the place of things, they were not allowed to usurp the place of thought. For a moment no doubt the human mind was brought into real and living contact with a new world of thought and action, of imagination and art, of literature and history, by the 'New Learning': but ere long Classical education in turn became almost as arid and scholastic—as remote from fruitful contact with realities—as the education of the Middle Ages. The history of education is indeed a somewhat melancholy record of misdirected energy, stupid routine, and narrow one-sidedness. It seems to be only at rare moments in the history of the human mind that an enthusiasm for knowledge and a many-sided interest in the things of the intellect stirs the dull waters of educational commonplace. What was a revelation to one generation becomes an unintelligent routine to the next. Considered as mere intellectual training, it may be doubted whether the superiority of a Classical education, as it was understood at the beginning of this century, to that of the medieval Schools was quite so great as is commonly supposed. If in the Scholastic age the human mind did not advance, even Macaulay admits that it did at least mark time. The study of Aristotle and the Schoolmen must have been a better

Indifference to fact.

Scholasticism and Classicism.

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training in subtlety and precision of thought than the exclusive study of a few poets and orators. However defective its methods of achieving that end, the Scholastic education at least aimed at getting to the bottom of things[1], although Renan (who gives it this praise) has also pointed out the supreme defect of Scholasticism when he says that its method was incapable of expressing 'nuances,' while truth lies in the 'nuances.' But as a practical training in readiness and facility of expression the habit of disputation may have been quite as valuable an exercise as the practice of construing and composition, though the dialect acquired was different enough.

The fourteenth century and the eighteenth.

It is surprising how little the intellectual superiority of the eighteenth century over the fourteenth impressed itself upon the course of ordinary School and University education, especially in this country. That on the whole a good eighteenth-century education was healthier, more stimulating, and more rational than a good fourteenth-century education need not be denied; but our intellectual advance since the medieval period had less to do with the improvement in the substance or the method of education than the academic world complacently imagined. It was in the main what he picked up out of School and Lecture-room that differentiated the educated man of the eighteenth century from the educated man of the fourteenth.

Value of education largely independent of subjects taught.

But, because it is easy enough to pick holes in the education of the past, it must not for one moment be supposed that the education either of the scholastic or of the ultra-classical period was of little value. Up to a certain

[1] 'Pour moi, qui crois que la meilleure manière de former des jeunes gens de talent est de ne jamais leur parler de talent ni de style, mais de les instruire et d'exciter fortement leur esprit sur les questions philosophiques, religieuses, politiques, sociales, scientifiques, historiques; en un mot, de procéder par l'enseignement du fond des choses, et non par l'enseignement d'une creuse rhétorique, je me trouvais entièrement satisfait de cette nouvelle direction' (*Souvenirs d'enfance et de jeunesse*, Paris, 1883, pp. 253–4). Such is Renan's testimony to the semi-scholastic education of the Seminary at Issy as compared with the classical education under Dupanloup which he had left.

point—and this is the one consolation to the educational historian—the value of education is independent either of the intrinsic value or of the practical usefulness of what is taught. The intelligent modern artisan educated at a Board-school or the half-educated man of the world possesses at the present day a great deal more true and useful knowledge than a medieval Doctor of Divinity. But it can on no account be admitted that this puts the uneducated man of modern times on a level with the educated man of the Middle Ages. And the educated man—the man who has spent many of his maturer years in subtle and laborious intellectual work—will generally show his superiority to the uneducated man even in the most severely practical affairs of life when once the former comes seriously to apply himself to them. It was emphatically so in the Middle Ages. Kings and princes found their statesmen and men of business in the Universities—most often, no doubt, among those trained in the practical Science of Law, but not invariably so. Talleyrand is said to have asserted that Theologians made the best diplomatists. It was not the wont of the practical men of the Middle Ages to disparage academic training. The rapid multiplication of Universities during the fourteenth and fifteenth centuries was largely due to a direct demand for highly educated lawyers and administrators. In a sense the academic discipline of the Middle Ages was too practical. It trained pure intellect, encouraged habits of laborious subtlety, heroic industry, and intense application, while it left uncultivated the imagination, the taste, the sense of beauty—in a word, all the amenities and refinements of the civilized intellect. It taught men to think and to work rather than to enjoy. Most of what we understand by 'culture,' much of what Aristotle understood by the 'noble use of leisure,' was unappreciated by the medieval intellect. On the speculative side the Universities were (as has been said) 'the school of the modern spirit[1]': they taught men to

Medieval education a training for life.

[1] Kaufmann makes the remark of Scholasticism: it may be extended to the whole work of the Universities.

CH. XIV. reason and to speculate, to doubt and to inquire, to find a pleasure in the things of the intellect both for their own sake and for the sake of their applications to life. They dispelled for ever the obscurantism of the Dark Ages. From a more practical point of view their greatest service to mankind was simply this, that they placed the administration of human affairs—in short, the government of the world—in the hands of educated men. The actual rulers—the Kings or the aristocrats—might often be as uneducated or more uneducated than modern democracies, but they had to rule through the instrumentality of a highly educated class.

Prominence of legal study.

In criticizing medieval culture and education, attention is sometimes too much confined to the Scholastic Philosophy and Theology. The Scholastic Philosophy and Theology do, indeed, represent the highest intellectual development of the period. But they do not represent the most widely diffused or the most practically influential of medieval studies. Law was the leading Faculty in by far the greater number of medieval Universities: for a very large proportion of University students the study of Arts, in so far as they pursued it at all, took the place of a modern school rather than of a modern University. From a broad political and social point of view one of the most important results of the Universities was the creation, or at least the enormously increased power and importance, of the lawyer-class. Great as are the evils which society still owes to lawyers, the lawyer-class has always been a civilizing agency. Their power represents at least the triumph of reason and education over caprice and brute force. Lawyers have moderated or regulated despotism even when they have proved its most willing tools: just as in modern democratic communities their prominence must be looked upon as an important conservative check upon democracy[1].

The Universities created the lawyer-class.

Political importance

Over the greater part of Europe the influence of the Universities meant more than this. It brought with it the

[1] Cf. the remarks of Prof. Bryce, *The American Commonwealth*, 1888, T. III. p. 376 *sq.*

increasing modification of legal and political institutions by the Roman Law, whether directly or through the Canon Law, whether by avowed adoption or by gradual and unconscious infiltration and imitation. This too was a civilizing agency, though here again an increase of civilization had often to be bought by a decline of rude, barbaric liberty. Our own country is here the exception which proves the rule. Our own Universities are differentiated from those of the rest of the world by the small extent to which they have been, or still are, places of professional education. How far the different course which the development of our institutions has taken as compared with those of the Continent, and the large measure of Germanic liberty which they retained, are due to the absence of Civilian influence, is an inquiry which has perhaps been too much neglected by our constitutional historians. It must not be supposed, indeed, that even in England the influence of the Universities upon our institutions has been small. To say nothing of the considerable infiltration of the Roman through the Canon Law into English Law and still more into English Equity, the Common Law escaped the modifications which nearly every legal system in Europe underwent at the hands of University-bred lawyers only by the creation of a rival Legal Science, and even of a virtual University of English Law in London, which would hardly have been possible but for the example supplied by the Roman Law and its academic Professors.

Study of Roman Law in Universities.

England and the Roman Law.

Present influence of Medieval University Institutions.

It is more directly relative to our subject to examine what have been the effects of the medieval Universities upon our modern educational system. The genius of the Middle Age showed itself above all in the creation of institutions. The institutions of the Middle Age are greater—they may prove more imperishable—even than its Cathedrals. The University is a distinctly medieval

The University a medieval conception.

CH. XIV. institution. By that is implied not merely that in the most altered and the most modern of the Schools so called there are customs, offices, titles, for the explanation of which we must go back to the history of the thirteenth century with its Guild movement, its Cathedral Schools, and especially its great struggle between the Chancellor of Paris and the Society of Masters. The very idea of the institution is essentially medieval, and it is curious to observe how largely that idea still dominates our modern schemes of education. Persons to whom the term 'medieval' is synonymous with 'ideal,' and those with whom it is a term of abuse, agree in the assumption that Universities must exist. And yet they did not exist in the most highly cultivated societies of the ancient world. It is entirely misleading to apply the name to the Schools of ancient Athens or Alexandria. If higher education is to exist, there must obviously be teachers to impart it, and it is likely that particular places will become famous for particular studies. But it is not necessary that the teachers should be united into a corporate body enjoying more or less privilege and autonomy. It is not necessary that the teachers of different subjects should teach in the same place and be united in a single institution—still less that an attempt should be made to make the teaching body representative of the whole cycle of human knowledge. It is not necessary that studies should be grouped into particular Faculties, and students required to confine themselves more or less exclusively to one. It is not necessary that a definite line of study should be marked out by authority[1], that a definite period of years should be assigned to a student's course, or that at the end of that period he should be subjected to examination and receive, with more or less formality and ceremony, a title of honour. All this we owe to the Middle Ages. Similar needs might no doubt in course of time have independently

[1] This is, of course, less completely the case in some continental Universities than among ourselves. Prescribed *books* are a *very* medieval institution.

evolved somewhat similar institutions in a somewhat different form. But, in the form in which we have them, teaching corporations, courses of study, examinations, degrees, are a direct inheritance from the Middle Ages: and it would not be difficult to show that these inherited institutions carry with them not a few assumptions in educational theory and method which might have appeared questionable enough to an ancient thinker[1]. However much the modern mind may in certain directions be reverting to the ideas and spirit of the old world, education, like so much else in the modern world, will always exhibit a vast and incalculable difference from the education of ancient Greece or ancient Rome just because the Middle Ages have intervened.

Its present influence.

How much is lost and how much gained by the educational machinery which the Middle Ages have created for us would be a difficult inquiry. That something is lost is evident. Something of the life and spontaneity of old-world culture certainly seems to be gone for ever. Universities have often had the effect of prolonging and stereotyping ideas and modes of thought for a century or more after the rest of the world has given them up. It is surprising how slowly an intellectual revolution affects the course of ordinary education. But educational traditions are marvellously tenacious, quite apart from institutional machinery such as that of the Universities: and education itself must always be, from the necessities of the case, a tradition. In all machinery there is some loss, and yet it is only by means of machinery that culture can be permanently kept alive and widely diffused. The machinery by which this process is carried on among ourselves is as distinctly a medieval creation as representative government or trial by jury. And it is a piece of institutional machinery

[1] It is also true, no doubt, that parts of our educational tradition are an inheritance from the ancient world itself. The organization of education in the later Roman Empire involved a closer approximation to the University system than the education of the Platonic or the Ciceronian age.

which has outlived almost every other element in the education which it was originally intended to impart.

The reader who has had the patience to follow these pages thus far may, perhaps, be disposed to ask what message the study in which we have been engaged has for the modern educational reformer. And yet the attempts which have been made to impress University history into the service of the educational theory are not altogether encouraging. We have often had occasion to notice that features of the medieval University system which have constantly been appealed to as binding precedents were really less universal and less invariable than has been supposed. The University of London, after being empowered by Royal Charter to do all things that could be done by any University, was legally advised that it could not grant degrees to women without a fresh Charter, because no University had ever granted such degrees: we have seen that there were women-doctors at Salerno [1]. We have been told that the medieval University gave a religious education: we have seen that to the majority of students it gave none. We have been told that a University must embrace all Faculties: we have seen that many very famous medieval Universities did nothing of the kind. That it eventually came to be considered necessary, or at least usual, that they should do so, is due to the eventual predominance of the Parisian type of University organization, *minus* the very peculiar and exceptional absence of a Faculty of Civil Law. We have been told that the collegiate system is peculiar to England: we have seen that Colleges were found in nearly all Universities, and that over a great part of Europe University teaching was more or less superseded by College teaching before the close of the medieval period. We have been told that the great business of a University was con-

[1] See also below, App. XV. I have been informed by an eminent Judge, who was one of the Counsel on whose advice the University acted, that a knowledge of this fact would have modified his opinion.

sidered to be liberal as distinct from professional education: we have seen that many Universities were almost exclusively occupied with professional education. We have been assured, on the other hand, that the course in Arts was looked upon as a mere preparatory discipline for the higher Faculties: we have seen that in the Universities of northern Europe a majority of students never entered a higher Faculty at all. CH. XIV.

On all sides we find that a closer acquaintance with the facts results in a certain disillusionment. And it is chiefly perhaps in disillusionment of this kind that we must find the practical value of University history, as indeed of so much other historical study. The wide survey which we have taken of the Universities of Europe will at least have taught us the flexibility and versatility of the medieval system in spite of much constitutional uniformity. It is only, indeed, in matters of technical constitutional Law that medieval precedent can have any direct value to the modern University legislator. New needs must be met by new machinery. University institutions must undergo perpetual modification in the future as they have undergone perpetual modification in the past. But it is well in this, as in wider fields of social, political, and religious organization, as far as possible to preserve historical continuity. We should avoid the wanton introduction of an historical solecism where an adhesion to ancient form and usage would be quite as easy, the wanton destruction of ancient institutions where a slight modification of them would serve as well, the wanton abandonment of ancient customs and traditions where they are neither harmful nor burdensome. Already, even in England, much has been lost which is past recall, but it may be hoped that a more extended knowledge and more intelligent appreciation of the old University system may prevent the further abandonment of a single piece of ceremonial, of nomenclature, or of procedure which will serve to connect the Universities of the present with that medieval past out of which they have so directly and unmistakably grown.

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Names are sometimes of more importance than is commonly supposed. Whether a particular institution should or should not be called a University may seem by itself to be a very small thing. But the name has got to be associated with education of the highest type: to degrade the name of a University is therefore to degrade our highest educational ideal. That Universities should be multiplied is, within certain limits, natural and desirable: and it is by no means essential that all should conform exactly to the same pattern. It is natural and desirable again that efforts should be made to diffuse knowledge and intellectual interests among all classes by means of evening lectures. The English Universities may well be proud of having taken the initiative in a movement of the most far-reaching social and political significance. But it would be a delusion, and a mischievous delusion, to suppose that evening lectures, however excellent and however much supplemented by self-education, can be the same thing as the student-leisure of many years, duly prepared for by a still longer period of regular school training. Examinations, too, and private preparation for them, are an excellent thing in their proper place: but it is a mistake to suppose that an Examining Board can discharge any but the very lowest of a University's real functions. The two most essential functions which a true University has to perform, and which all Universities have more or less discharged amid the widest possible variety of system and method and organization, hardly excepting even the periods of their lowest degradation, are to make possible the life of study, whether for a few years or during a whole career, and to bring together during that period, face to face in living intercourse, teacher and teacher, teacher and student, student and student. It would be a fatal error to imagine that either the multiplication of books or the increased facilities of communication can ever remove the need of institutions which permit of such personal intercourse. A University, therefore, must have a local habitation; if it embraces Colleges in different places, you have virtually two or more Universities and not

one. Increased facilities of communication can never unite by the true University bond the inhabitants of distant towns: indeed it may be questioned whether the highest University ideal can be realized with the fullest perfection even in a single modern city of the largest type, especially where it does not possess a distinct University quarter.

It may in a sense be maintained that the bewildering accumulation of literature and the rapidity with which it is diffused have only emphasized the necessity for personal guidance and interpretation—for association in teaching, in study, and in research. Personal contact adds something even to the highest spiritual and intellectual influences—in all ages Universities have been the great homes of 'movements'—and it adds a life and a power to the teaching of men whose books by themselves would be of comparatively small account. There is a kind of knowledge, too, which can only be secured by personal intercommunication, a kind of intellectual cultivation which is only made possible by constant interchange of ideas with other minds, a kind of enthusiasm which is impossible in isolation. To a certain extent of course these functions are performed by every sort of educational institution and every scientific or literary society. But it behoves us not to lose or lower the ideal of the University as the place *par excellence* for professed and properly trained students, not for amateurs or dilettantes or even for the most serious of leisure-hour students; for the highest intellectual cultivation, and not merely for elementary instruction or useful knowledge; for the advancement of Science, and not merely for its conservation or diffusion; as the place moreover where different branches of knowledge are brought into contact and harmonious combination with one another, and where education and research advance side by side. If the study of University antiquities does something to keep alive this ideal and to add the charm of historic association to the institutions in which it has expressed itself, some practical purpose will have been served by what I have consistently

CH. XIV. endeavoured to make in the main a purely critical and historical inquiry. In Education as in other matters some knowledge of the past is a condition of practical wisdom in the present, but the lessons of history seldom admit of formal deduction or didactic exposition.

APPENDIX

APPENDIX

I.

PAPER UNIVERSITIES.

THE following is a list of Universities for which Bulls were granted, but which never came into actual existence. Down to 1400 the list (with one exception) has the authority of Denifle (*Die Univ. des Mittelalters*, I. pp. 630–652): after that it is probably very incomplete.

GRAY (1290). A Bull was granted in 1290 by Nicolas IV on the petition of Otto IV, Count of Burgundy. See above, p. 187.

PAMIERS (1295). A Bull granted by Boniface VIII in 1295 erects in this City 'studium generale in quo magistri doceant et scolares libere studeant et audiant in quavis licita facultate' (*Registres de Boniface VIII*, ed. Thomas, Paris, 1884, No. 658 (c. 227); Fournier, *Stat. et Priv. des Un. françaises*, T. II. Paris, 1891).

DUBLIN (1312). In 1311, the year after his accession to the See, John Leech, Archbishop of Dublin, petitioned Clement V for a Studium Generale in his metropolitical city. The petition recites the fact that there was no University in Ireland or in the most nearly neighbouring countries of 'Scotland, Man, and Norway,' (the geography of the Irish Prelate seems tinged by Home-rule aspirations), the absence of learned men in Ireland, and the perils of the Irish Channel. The Bull was issued in 1312, and is printed in Mason, *The History and Antiquities of the Collegiate and Cathedral Church of S. Patrick near Dublin*, Dublin, 1820, in App. No. VII. § I (where it is wrongly dated 1310), and in *Regesta Clem. V*, Romæ, 1887 (No. 8634). It is remarkable in that it makes the establishment of the University at Dublin dependent upon the approval of the Archbishop and his suffragans, confers no *jus ubique docendi*, and, while authorizing the *licentia docendi*, does not determine the

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authority by which it is to be conferred. The death of the Archbishop and a long vacancy in the See prevented the immediate execution of the design. In 1320 the new Archbishop, Alexander de Byckenore, with the assent of his two Chapters of the Holy Trinity (now Christ Church) and S. Patrick's, issued a body of Statutes (Mason, App. No. VII. § 2; also in Ware, *De Hibernia et Antiquitatibus ejus*, Londini, 1658, p. 77), by which the Chancellor is to be elected by the Regents (subject to confirmation by the Archbishop), but, if there is a Doctor of Theology or Canon Law in either of the Dublin chapters, he (or one of such Doctors, if there are more than one) is to be elected. The University is to be governed by the Chancellor and two Proctors, and the rest of the constitution is framed on the Oxford model, with the exception of certain reservations in favour of the Archbishop. It is provided 'quod Cancellarius, de consilio magistrorum regentium, et non regentium, si necesse fuerit, statuta condere possit ad honorem et pacem Universitatis, et ad scandala dirimenda, que contingere poterint in eventu, et illa statuta debent nobis et successoribus nostris presentari, et per nos et eosdem successores confirmari.' The Chancellor has jurisdiction over Masters and Scholars and their servants, where 'actor et reus sunt de Universitate predicta,' except where a Canon or a member of his household or of the Archbishop's household is involved. From the Chancellor there is an appeal to the Regents, but the further appeal is to the Archbishop, to whom also is reserved the right of appointing a Regent to lecture on Theology in S. Patrick's Cathedral. The Chancellor is to take an oath of obedience to the Archbishop.

It appears that the then Dean of S. Patrick's was appointed Chancellor and took the degree of Doctor in Canon Law, while two Friars were made D.D. In 1364, Lionel, Duke of Clarence, founded a Divinity Lectureship to be held by an Augustinian; while in 1496 a provincial Synod imposed an annual contribution upon the clergy of the province for seven years to provide salaries for other Lecturers (Mason, p. 101). These are all the facts that are known as to the existence of a University: the reader must be left to judge for himself as to whether the University of Dublin has been rightly included among the still-born Universities. Clearly there were some schools in Dublin, but in the absence of any evidence of graduation (after the first formal graduations of persons educated elsewhere) the *differentia* of a *de facto* University seems to be wanting.

Cardinal Newman has a short chapter on 'the Ancient University of Dublin' in the *Office and Work of Universities*, London, 1856, reprinted in *Historical Sketches*, London, 1872.

The following account of an attempt to found a University at

Drogheda in 1465[1] may be appended as evidence that no University existed at Dublin at that date (D'Alton, *History of Drogheda*, Dublin, 1844, II. p. 149). 'On the accession of Edward the Fourth the Earl of Desmond was exalted to the honour of Lord Justice of Ireland, immediately after which he convened his parliament to assemble in this town (i. e. Drogheda). The corporation and townsmen of Drogheda happily directing his attention to the fact that during the government of Sir Edmund Butler, at the instance of the Archbishop of Dublin, a bull of the Pope was procured for the establishment of a University in Dublin, which however had declined for want of funds, besought him to effect a similar distinction for their town (i. e. Drogheda), the immemorial residence of the Primate of Ireland, and an act was accordingly passed (5 Edw. IV. c. 46) of which the following is a translation :—" Also at the request of the commons, because the land of Ireland has no university nor place of general study within it, a work of which sort would cause a great increase of knowledge, riches, and good government, and would prevent riot [!], evil government and extortion within the same land, it is therefore ordained, established and granted by authority of parliament that there be a University in the town of Drogheda, in which may be made bachelors, masters and doctors in all sciences and faculties as they are made in the university of Oxford, and that they may also have, occupy and enjoy all manner of privileges, laws and laudable customs which the said university of Oxford hath occupied and enjoyed, so that it be not prejudicial to the mayor, sheriffs nor commonalty of the said town of Drogheda." The political events of the period, however, prevented the consummation of this desirable object. Ireland as well as England was in a state of complete exhaustion during the reign of Edw. IV, and in that of Henry VII was much distracted by the attempts of his enemies to make it the scene of contests and rebellions, that they hoped would overturn his government, while the more immediate circumstance of the execution of the Earl of Desmond as a traitor naturally attached an odium to all his measures, and particularly to that which contemplated the elevation of a secondary locality to a literary preeminence above the metropolis. Dublin continuing afterwards the fixed seat of the Parliament, and the ultimate establishment of a University there in 1591 seem to have extinguished the expectation and almost the wish for realizing this honourable distinction.'

VERONA (1339). A Bull was granted by Benedict XII in 1339

[1] The attempt seems to be wrongly dated 1368 by Ware, p. 82, and Ware-Harris, p. 245.

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for all Faculties except Theology. (*Bull. Rom.* ed. Taur. IV. 459.) The town-statutes of 1458 provide for a Doctor of Grammar and Rhetoric, of Civil Law, of Canon Law, of Arts and Medicine, and of Arithmetic (*Statuta communitatis Veronæ*, Vicentiæ, 1475, lib. I. Nos. 111–118), and then might presumably have claimed the privileges of a Studium Generale, but there is no evidence of graduation.

GENEVA (1365). On the petition of Amadeo VI, Count of Savoy, a Studium Generale in all Faculties was founded at Geneva in 1365 by a Bull of the Emperor Charles IV for all Faculties (published by Vuy in *Mémoires de l'Institut Génevois*, XII. 1869, p. 43). Denifle (*Die Univ. des Mittelalters*, I. p. 649) cites an interesting document which shows that the Bull was an expedient to revive a very decaying School. The Bishop had in the preceding year complained to the Pope that the Chancellor of his Cathedral was in the habit of selling 'regimen scolarum civitatis et dioc. Gebennen. plus offerenti,' his demands being so extortionate 'quod scole ipse quasi ad nichilum sunt redacte.' This behaviour of the Chancellor explains the fact that he is altogether ignored in the constitution of the University, and the unusual provision in the foundation-bull which entrusts the right of promotion to the Doctors or Masters themselves.

LUCCA (1369). A Studium Generale was erected by Charles IV, and is remarkable for including Astrology among the 'Sciences and approved Faculties' to be taught there. (Baluze, *Miscellanea*, ed. Mansi, Lucæ, 1764, IV. 184.) In 1387 another Bull (for all Faculties except Theology) was procured from Urban VI (*ib.* p. 185). But no Studium except in Arts appears to have really come into existence, and this is not organized as a Studium Generale. For information as to the Schools of Lucca, both before and after the Bulls, see the documents published by Lucchesini, *Della historia letteraria del ducato Lucchese* in *Memorie e documenti per servire all' istoria del ducato di Lucca*, Lucca, 1825, IX. 18 *sq.*

ORVIETO (1378). The town-statutes (Fumi, *Codice diplomatico della città d' Orvieto* in *Documenti di storia italiana per le provincie di Toscana, dell' Umbria e delle Marche VIII*, Firenze, 1884, p. 780 *sq.*) testify to the existence of a considerable Studium from 1280. It obtained the grant of a Studium Generale from Gregory XI in 1377 (*ib.* p. 567), while the actual Bull was issued in the following year by his successor, Urban VI; but it appears that even the Studium which had previously existed in the place was now extinct, since after this we hear nothing even of salaries so far as the higher Faculties are concerned.

KULM (1386). A Bull of Urban VI was granted on petition of the Teutonic Order, 'instar studii Bononiensis,' which is said to be

printed in *Urkundenbuch des Bisthum Kulm*, Danzig, 1885. (*Neues Preussisches Urkundenbuch*, Abth. II. ed. Woelky, I. 89. f. N. 369.) This Bull is not mentioned by Denifle.

FERMO (1398). Denifle has shown (*l. c.* p. 630) that the Bull for this University was granted, not by Boniface VIII, but by Boniface IX. It was confirmed by Calixtus III in 1455, but was only brought into actual existence by a Bull of Sixtus V in 1585. Denifle speaks of a monograph by Curi, *L'Università degli studi di Fermo* (Ancona, 1880), which attributes its origin to Lothair!

CALATAYDD (1415). A Bull was granted for a University at Calataydd, on the western borders of Aragon, by Benedict IV in 1415 (Doc. ap. de la Fuente, *Hist. d. las Univ. en España*, I. p. 321). But nothing appears to be known as to the actual existence of a University in this place.

LÜNEBURG (1477). A Bull was granted by the Emperor Frederick III in 1477, said to be printed by Caspar Sagittarius and Henricus Gause in *Memorabilia Historiæ Luneburgicæ*.

FRANKFURT ON ODER (1500). Bull obtained by the Margrave John Cicero from Alexander VI and the Emperor Maximilian. The actual erection of the University was suspended by the death of the Margrave, in the same year, till 1506, when a fresh Bull was obtained from Julius II (Becmanus, *Notitia*, p. 14).

II.

ALLEGED UNIVERSITIES AT LYONS, REIMS, ALAIS, PARMA, &c.

LYONS.

Prof. Kaufmann (*Gesch. d. deutsch. Univ.* I. p. 379) wishes to make Lyons a Studium Generale in the thirteenth century, on the strength of an allusion in a Royal decree of 1302 to the City's right 'habendi insuper in dicta civitate utpote egregia studium scolarium et regentium in jure civili et canonico ad docendumque artes alias liberales' (*Cartulaire municipal de Lyon*, ed. Guigue, Lyon, 1876, p. 29; Fournier, *Statuts et Priv. des Univ. franç.* II. No. 156a). In a document of 1328 (*Cartulaire*, p. 82; Fournier, II. No. 563) Philip VI declares that 'archiepiscopus et capitulum Lugdunense, doctoribus et bacalariis decretorum et legum in dicta civitate hujusmodi scientias volentes publice legere et docere, circa eorum lecturas novitates indebite inibi facere nittuntur, dictos doctores et bacalarios compellendo jurare quod, lectura sua durante, contra eos non consulent.' This is evidence of the exist-

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ence of an important School, but if a City is to be added to the list of Studia Generalia on such evidence, where are we to stop? Innocent IV's foundation of the Studium Curiæ Romanæ, issued at Lyons in 1245, has sometimes been mistaken for a foundation of a University at Lyons. All the documents are printed in Fournier, II. No. 1559 *sq.* A document of 1291-2 (*ib.* No. 1560) shows that one Doctor was licensed by the Archbishop, and the other by the Chapter, no additional Doctors being permitted without the consent of both.

The history of the School is dealt with by Bronchoud, *Recherches sur l'enseignement du droit à Lyon*, Lyon, 1875, and Rougier, *Aperçu historique sur l'enseignement du droit à Lyon*, Lyon, 1874.

REIMS.

In the twelfth and thirteenth centuries the Cathedral School of Reims occupied much the same kind of position as that of Lyons, except that Lyons was famous for the study of Law, Reims for Theology. When Alexander III wrote to the Bishop of Paris directing him to condemn the Nihilianism of Peter the Lombard (see above, vol. I. p. 54), he directs him to summon as his Assessors the Masters of the School at Reims and other places ('convocatis magistris scolarum Parisiensium et Remensium et aliarum circumpositarum civitatum' (Denifle, *Chartularium*, I. Introd. No. 9; Fournier, II. No. 1555). We have already noticed the existence of a 'Collége des Bons-enfans' here (above, vol. I. p. 485, n. 1, Fournier, II. No. 1557). In 1258 we find a Bull of Alexander IV, in which a careless reader might detect a recognition of Reims as a Studium Generale. It is directed against the Chanter of Reims, who was guilty of the common practice of getting dispensed from residence for study at a Studium Generale and then going to live on other benefices or in his native country, 'ad excusandas excursationes in peccatis scolas Predicatorum vel Minorum ordinis vel alterius docentis ibidem perfunctorie adeundo.' The Chanter had adopted this subterfuge, 'licet Remis adeo utiliter sicut et alibi in dicta pagina studere, si velit, valeat.' The Dean and Chapter of Reims are forbidden to let him enjoy his 'fruits,' 'nisi Remis in predicta pagina studenti vel alibi ubi generalis in ea viget scolastici studii disciplina' (Fournier, II. No. 1558). This may no doubt be read as if implying that Reims was a Studium Generale: but it need not be so. The principle clearly was that he must either study at Reims, or, if elsewhere, then in a Studium Generale. It is possible that Reims *may* have been described as a Studium Generale in the vague thirteenth-century sense: it was just one of those Schools that might well have developed into a Studium

Generale *ex consuetudine*: but it did not do so. The University dates from 1547.

There is a full history of the School and University by Dom Marlot, *Histoire de la ville, cité et Université de Reims* (Reims, 1846), and a *Histoire du collége des Bons-enfants de l'Université de Reims* by Cauly (Reims, 1885). The following works by Rougier may also be mentioned; *L'instruction publique à Lyon avant* 1789 (Lyon, 1869), and *Aperçu historique sur l'enseignement du droit à Lyon* (Lyon, 1874).

ALAIS.

In the *Bibliothèque de l'École des Chartes*, T. XXXI (1871), p. 51 *sq.*, M. Eugène de Rozière has published some interesting documents relating to the opening of a Studium at Alais in 1290. There are two contracts, one with Armandus de Jeco, 'canonicus Vasionensis, doctor decretorum,' the other with 'dominus Raymundus Soquerii, regens in legibus in civitate Avenionensi,' to lecture on their respective subjects, as well as (in the case of the Civilian) to give legal assistance to the Magistrates. Prof. Kaufmann remarks triumphantly that they do not seem alive to the necessity of a Papal or Imperial Bull—as if Denifle or any one else had maintained that such a Bull was necessary to a Studium which had no pretensions to being 'generale.' It is noteworthy that the first contract contains a clause that no other shall lecture at Alais (unless the Doctor's salary is raised)—which does not accord with even Kaufmann's somewhat indefinite ideas as to the nature of a Studium Generale. Denifle has pointed out over and over again that such a Studium of Law existed in most Italian towns and in many other parts of Europe, but no one ever dreamed of considering them 'Studia Generalia.' The documents are now printed in Fournier, *Stat. et Priv. des Un. franç.* II. No. 1569 *sq.*

PARMA.

From the documents published in the anonymous *Memorie e documenti per la storia della Università di Parma nel Medievo*, vol. I (Parma, 1888), it appears that an institution claiming to be a *Studium Generale* was established at Parma in 1412, with a Rector, University of Students, and College of Doctors, at which degrees were actually given and diplomas issued with the accustomed formula 'catedram magistralem ascendendi et in ea legendi, docendi, disputandi, questiones terminandi, et ceteros actus doctoreos exercendi ... et doctorum insignia deferendi hic et ubique locorum auctoritatem et licentiam,' &c. (p. 111). Statutes were drawn up on the Bologna model in 1414 (p. iii *sq.*); and the *Matricula*

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of 1413 shows an entry of seventy-seven names. But no Papal or Imperial Bull of foundation was granted, though it appears that efforts were made to obtain the former, *circa* 1328 (*ib.* p. 74), and again in the fifteenth century (Denifle, I. 230). The evidence goes to show that such a Studium would not have been considered 'general' or its *licentia ubique docendi* accounted valid at the time. Hence I have excluded Parma from the list of mediæval Universities. The documents before 1412 only show the existence of an isolated 'medicus,' and a single 'eius scolaris' (p. 103), and Schools of Grammar, Arts, and Law (p. 104 *sq.*), such as existed in most considerable Italian towns without any pretensions to the appellation of Studium Generale. At one time—in the twelfth century—the town seems to have possessed considerable fame as a School of Grammar and Arts (*ib.* p. 22 *sq.*) : but there is no evidence to show that it was ever recognized as a *Studium Generale ex consuetudine.* There seems to have been a College of Doctors with regular Statutes as early as 1294 (Doc. in Affo, *Memorie degli Scrittori*, &c. p. xxiv). It is observable that Gian Galeazzo Visconti of Milan, in an edict of 1387, forbids inhabitants of the Parmese territories to resort to other *civitates Italiæ in quibus Studia generalia vigeant*, and requires them to attend the *Studium* of Parma, but the edict studiously refrains from calling the latter a Studium Generale. In assuming that title in 1412, they were simply, as was sometimes done in other cases (e. g. Pisa, see above, p. 45), presuming upon the issue of a Papal Bull, in anticipation of which the Studium had been organized: but, as the event proved, the Parmese were counting their chickens before they were hatched. To include Parma among Universities (as is apparently done by Kaufmann, I. p. 232) is simply to abandon all constitutional accuracy in the use of the terms. It was not till 1512 that Parma succeeded in obtaining a Bull from Julius II (Affo, *l. c.* p. cii). The history of the Studium is dealt with by Affo, *Memorie degli Scrittori e Letterati Parmigiani*, I. Parma, 1789 (Discorso Preliminare); Tiraboschi, *Ist. d. Lett. Ital.*, VI. pt. i. p. 149; Pezzana, *Storia della Città di Parma*, Parma, 1842, II. p. 145 *sq.* The city was famous for Artes Liberales from the eleventh century, but the allusions do not prove a Studium Generale. See Muratori, *Rer. Ital. SS.* III. c. 912, V. 534. Cf. Dümmler, *Anselmus der Peripatetiker* (1872), p. 21.

NISMES.

The accounts of the Consuls of the City of Nismes for 1373 contain a number of interesting details relating to an attempt to set up a 'Studium Generale' at Nismes. There are the expenses of journeys to Avignon and Montpellier to bribe away Doctors

and students and to procure a Papal Bull, and for a copy of the privileges of Montpellier, which it was proposed to imitate, for presents to a Cardinal ('pro decem vasis vini cum fusta . . . presentatis . . . domino cardinali Mimatensi . . . cvii florenos, medium'), for adapting a building for Schools, for going to meet a Doctor from Avignon, feasting him upon his arrival, &c. The Schools were evidently opened and lectures given, but it is clear that the Bull was not granted. The failure of the attempt to found a 'Studium Generale' shows (in opposition to the views of Kaufmann and others) how indispensable the Papal Bull had by this time become. The doc. is printed by Fournier (*Stat. et Priv. d. Un. franç.* II. No. 1576) from Ménard, *Histoire de Nîmes*, 1874, p. 323, and Preuves. No Bull for Nismes appears in the Register of Gregory XI (Denifle, *Archiv f. Kirchengesch.* IV. p. 262).

GAILLAC AND ALBI.

A Studium of Arts was founded at Gaillac by Bull of John XXII in 1329, but it is styled simply 'studium in quo magistri libere doceant, ac scolares studeant et audiant,' not 'studium generale.' The object of the Bull is contained in the clause 'rectoris et magistrorum Universitatis studii Albiensis, qui sunt et erunt pro tempore, et cujuscumque alterius licentia minime requisita' (Fournier, II. No. 1573). In spite of this privilege, the Bishop of Albi excommunicates the whole town on account of these academical pretensions—a sentence reversed on appeal to the Court of the Archbishop of Bourges (*ib.* No. 1574).

The two cases of Gaillac and Albi are instructive, the first as showing that a *Studium privilegiatum* need not be general, the second as illustrating the possibility of a Rector and University of Masters in a *studium particulare.*

BILLOM.

Denifle has printed several documents (*Les Univ. françaises*, pp. 94, 95) from which it appears that at Billom in Auvergne there was a Studium of Law of a kind which could be plausibly represented as a Studium Generale. The most important of these is a document of 1345, in which a Canon asks for dispensation from residence while studying at Billom or 'in any other Studium Generale.' This implies that students at Billom claimed that it was a Studium Generale, but not of course that the claim was admitted. Indeed, as dispensation was usually only granted for residence at Studia Generalia, the Canon had an adequate reason for misrepresentation. In 1349 a Cardinal petitions the Pope on

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behalf of a Canon of Billom who wanted to be absent from the services of his Church while teaching in the Studium. The 'instruentium nimis raritas' is alleged as a ground for the petition.

MILAN.

The following statement occurs in Baldus, *Consilia*, T. V. Cons. 77, fol. 21 *a* (Frankof. ad Mœn. 1589):—'Ciuitas Mediolanensis ex consuetudine, cuius contrarii memoria non existit, intelligitur apud se habere studium generale, presertim quia est ciuitas regia (cf. above, vol. I. p. 13, n. 1) et Metropolitana.' Had this testimony occurred somewhat earlier (Baldus died at Pavia in 1400) it might have been natural to accept it as decisive. But it is so entirely unsupported by what we know of the Studium at Milan in the fourteenth century that it must be received with very great suspicion. We are told, indeed, that in 1288 there were in Milan 15 Doctors of Grammar and Logic, 70 'magistri puerorum ad initiales literas,' and '180 medici dicti philosophi computatis Cymicis. Inter quos plures salariati per Communitatem' (Giulini, *Memorie spettanti alla storia della Città di Milano*, pt. viii. p. 395). The same writer cites a MS. Chronicle by Flamma, for the statement that 'Jurisperiti habent publicas scholas,' but from the context it would seem doubtful whether these were anything but Schools for Notaries. And there is no mention of teaching in Medicine or Philosophy. Nor is there any reason to believe that the Studium was really looked upon as general during the fourteenth century, while there is every reason to believe that, if there were such a Studium, we should have heard of it. Moreover in 1387 Gian Galeazzo Visconti forbade his subjects to study except at Parma (see above, p. 726). Hence the attempt to make out that Milan was a Studium Generale must probably be looked upon as a mere counsel's opinion obtained by a client with whom the wish was father to the thought. The circumstances are partially set forth in the *Casus* on which the opinion was taken:—

'In Christi nomine. Casus talis est. Quidam impetrauit gratiam a summo Pontifice, in qua narrauit se studere in iure ciuili non exprimendo locum, ubi studeret, prout studebat in Mediolano; ubi licet non sit studium ordinatum, seu generale, per sapientes doctores legitur, ut lectum fuit, et hodie legitur, et per tanti temporis spacium, quod in contrarium memoria hominis non existit. Modo quæritur, utrum gratia prædicta sit supreptitia pro eo, quod non studebat in iure ciuili in studio ordinato et deputato, vel non' (*ib.* fol. 20 *b*).

It is obvious that Baldus' client had obtained some 'grace,' e. g. a dispensation from residence, on the ground that he was

studying in a Studium Generale when he was studying or pretending to study at Milan. For the ease of his conscience, or some more material purpose, he now wanted a legal opinion that Milan was a Studium Generale. The opinion was of course forthcoming, though the grounds on which it was based could have convinced no one.

III.

LAW-TEACHING IN THE EARLY MIDDLE AGES.

The following extracts will illustrate what has been said above (vol. I. p. 101 *sq.*) on the teaching of Roman law in the ordinary schools of the early Middle Age. I take them chiefly from Fitting:—

(1) 'Hic (Antarchus) Felicis senatoris servus fuit, qui ad obsequium domini deputatus ad studia litterarum cum eo positus bene institutus emicuit; nam de operibus Virgilii, *legis Theodosianæ libris* artemque calculi adplene eruditus est.' Greg. Turon. († 594), *Hist. Franc.* Lib. IV. cap. 47 (Migne, T. 71. c. 308).

(2) 'Desiderius vero summa parentum cura enutritus literarum studiis ad plenum eruditus est. Quorum diligentia nactus est post literarum insignia studia Gallicanamque eloquentiam (quæ vel florentissima sunt vel eximia contubernii regalis adductus inde dignitatibus) ac deinde *legum romanarum* indagationi studuit, ut ubertatem eloquii Gallicani nitoremque gravitas sermonis romana temperaret.' *Vita S. Desiderii* († 654) *Caturc. episc.* (Labbe, *Nov. bibliotheca manuscr. librorum*, Parisiis, 1657, I. p. 699).

(3) 'Postea vero cum natus adolevisset et esset præfata cum parentibus in urbe constitutus, grammaticorum imbutus initiis necnon *Theodosii edoctus decretis* ceterosque coætaneos excellens a sophistis probus atque prælatus est.' *Vita S. Boniti* († c. 709), (Mabillon, *A. SS. Ord. S. Benedicti*, Sæc. III. pt. i. Paris, 1672, p. 90).

(4) 'Neque enim parva temporum intervalla in hoc lectionis studio protelanda sunt; ei dumtaxat qui sollerti sagacitate legendi succensus *legum Romanorum iura medullitus rimabitur et cuncta iuris consultorum decreta* imis precordiis scrutabitur et, quod his multo artius et perplexius est, centena scilicet metrorum genera pedestri regula discernere et ad musica cantilenæ modulamina recto syllabarum tramite lustrare, cuius rei studiosis lectoribus tanto inextricabilior obscuritas pretenditur, quanto rarior doctorum numerositas repperitur.' Aldhelmus (Abbot of Malmesbury 675–705), Ep. to Hedda, Bp. of Winchester (Jaffé, *Bibl. Rer. Germ.* III. p. 32).

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(5) 'His dans grammaticæ rationis gnaviter artes,
Illis rhetoricæ infundens refluamina linguæ,
Illos iuridica curavit cote polire.
Illos Aonio docuit concinnere cantu
. . . . . .
Ast alios fecit præfatus nosse magister
Harmoniam coeli.'

Alcuinus, *de sanctis Euboricensis ecclesiæ.* (*Mon. Germ. Poetæ lat æv. Carol.* ed. Dümmler, I. p. 201.)

(6) 'Diu vivebat pater eorum [Carolus Magnus] cum eis feliciter et utiliter instruebat eos liberalibus disciplinis et *mundanis legibus.*' Theganus, *Vita Hludovici Imp.* (written 835), c. 2 (Pertz, *SS.* II. p. 591.)

(7) 'Bruno [postea Leo IX Papa] insistebat literarum gymnasio ... Nempe, ut primum competit rudibus, decurso artium trivio, non solum claruerunt prosa et metro, verum et *forenses controversias* acuto & vivaci oculo mentis deprehensas expediebant seu removebant sedulo. Denique quadruvium naturali ingenio vestigantes degustarunt, atque non minimum in ipso quoque valuerunt.' *Vita S. Leonis papæ* († 1054) *auctore Wiberto*, l. I. cap. iv. (Mabillon, *A. SS. Ord. S. Benedicti*, Sæc. vi. pt. ii. p. 55.)

(8) 'Cum Romani terrarum orbi imperarent, ita moderamine legum scripto regebatur, ut nulli impune cederet factum quod lex vetuerat. Postquam vero Germanum regnum a Romanis recesserat, Sigipertus et Theodoricus ac deinde Carolus iura dictabant, quæ si quis potens ac nobilis legere nesciret, ignominiosus videbatur, *sicut in me coævisque meis, qui iura didicimus, apparet.* Moderni vero filios suos neglegunt iura docere, qui quandoque pro suo libitu et possibilitate mendoso iure quosque iuvant aut deprimunt et per exlegem temeritatem.' *Chron. Eberspergense*, an. 1013 (written c. 1050); Pertz, *SS.* XX. p. 14. The words are ascribed to the aged Count Udalrich of Ebersperg in Upper Bavaria († 1029).

So 'Hermiannus († 1026) nobili Agrippinensium genere procreatus litterarum studiis, ut decet nobilibus, adprime eruditus.' *Gesta Episc. Tullens.* c. 37 (Pertz, *SS.* VIII. p. 643).

(9) In the following passage the allusion is to an edict of the Emperor, Henry III, requiring subjects to have their children educated:—

'Quilibet ut dives sibi natos instruat omnes
Litterulis, legemque suam persuadeat illis,
Ut—cum principibus placitandi venerit usus—
Quisque suis libris exemplum proferat illis.
Moribus his dudum vivebat Roma decenter:
His studiis tantos potuit vincire tyrannos.

Hos servant Itali post prima crepundia cuncti,
Et sudare scholis mandatur tota iuventus.
Solis Teutonicis vacuum vel turpe videtur
Ut doceant aliquem nisi clericus accipiatur.'
Wipo, *Tetralogus*, ll. 191–200 (Pertz, SS. XI. p. 251.)

(10) Alius etiam æque notus mihi atque civis in Ravennati urbe pollebat et legis peritia strenuus et grammaticorum regulis competenter instructus.' Petrus Damianus, *Opusc.* XLII. c. 2 (Migne, T. 145. c. 669).

IV.

SOME BOLOGNA DOCUMENTS.

(To illustrate Vol. I. pp. 156, 172–3, 223.)

A. *Bull of Honorius III in* 1217 *to the Student-Guild of Rome, Campania, and Tuscany at Bologna.* (Cf. above, vol. I. p. 156 *sq.*)

[Vatican Register, No. 9, f. 110 *b*, Ep. 453. I owe these transcripts from the originals of the documents inaccurately printed by Sarti to the kindness of Father Denifle.]

HONORIUS III

Scholaribus universis de Urbe, de Campania, et de Tuscia Bononie commorantibus.

Etsi multam honestatem, immo necessitatem, sicut asseritis, causa contineat, que vos ad contrahendam societatem induxit, quia tamen interdum ea que bono inchoantur principio in pravum deducuntur exitum per abusum, diligenti vos decet sollicitudine precavere ne occasione societatis ipsius a vobis aliqua presumantur que Scolasticam in aliquo dedeceant puritatem.

Quapropter Universitatem vestram monemus et exhortamur in Domino per Apostolica vobis scripta mandantes quatenus in actibus vestris eam de cetero modestiam observetis, ut et infamie notam et rerum dispendium omnino vitetis, de Civitate exire quam perjurii reatum incurrere potius eligentes si ad alterum predictorum per Potestatem vos contigerit artari. Vos enim Societatem dissolvere aut Statutum illud contra libertatem Scolarium vestris Statutis inserere non potestis qui utrumque servare, et quam potestis diligentius procurare, fide interposita promisistis.

Datum Anagnie sexto Kal. Iunii Pontificatus nostri anno primo.

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B. *Bull of Honorius III authorising the Archdeacon of Bologna to absolve for assaults on clerks*, 1219. (Cf. above, vol. I. p. 223.)
[*Ib.* f. 107 *b*, Ep. 510.]

ARCHIDIACONO BONONIENSI.

Consideratis circumstantiis temporum et locorum rigor justitie debet aliquando mansuetudine temperari, ut vini compunctio lenitate olei mitigetur, et peccator in profundum non veniat et contempnat, presertim cum sine dispendio Ecclesiarum usquequaque servari non possit vigor Ecclesiastice discipline. Sane cum sepe contingat, quod in civitate Bononien. plures doctores et Scolares propter violentas injectiones manuum in clericos excommunicati decedant, ac alii redeuntes ad propria promoveantur ad Ordines, absolutionis beneficio non obtento; unde preter irregularitatem quam incurrunt, improvide in hujusmodi multi nolentes suum confiteri delictum, paupertate vel infirmitate gravati vel alias imbecillitate animi dormientes ac confessi ad Sedem Apostolicam transmittantur in peccatis suis miserabiliter moriuntur. Nos igitur super hujusmodi periculis volentes eisdem Doctoribus et Scolaribus paterna sollicitudine providere, quorum nolumus, sicut nec expedit, studium per absentiam impediri, auctoritate tibi presentium indulgemus ut ipsis, qui ad invicem in se aut in alias personas Ecclesiasticas manus injecerint violentas, nisi tam gravis fuerit aut enormis excessus ut merito sint ad Sedem Apostolicam destinandi, juxta formam Ecclesie beneficium absolutionis impendas. Nulli ergo omnino hominum liceat hanc paginam nostre concessionis infringere vel ei ausu temerario contraire.

Si quis autem hoc attentare presumpserit, indignationem Omnipotentis Dei ac Beatorum Petri & Pauli Apostolorum ejus se noverit incursurum.

Datum Reate v. Kal. Iulii Pontificatus nostri anno tertio.

C. *Bull of Honorius III giving right of promotion to the Archdeacon of Bologna*, 1219. (Cf. above, vol. I. p. 223.)
[*Ib.*, Ep. 509.]

Cum sepe contingat ut in civitate Bononiensi minus docti ad docendi regimen assumantur, propter quod et Doctorum honor minuitur et profectus impeditur Scolarium volentium erudiri; Nos eorumdem utilitati et honori utiliter prospicere cupientes auctoritate presentium duximus statuendum, ut nullus ulterius in civitate predicta ad docendi regimen assumatur, nisi a te obtenta licentia, examinatione quoque prehabita diligenti, tu denique contradictores si qui fuerint vel rebelles, per censuram ecclesiasticam appellationis remedio compescas. Dat. Reate iiii. Kal. Iulii [Pontificatus nostr]i anno tertio. Nulli ergo etc. nostre constitutioni infringere. Si quis autem, etc.

D. *Bull of Honorius III in favour of the University of Bologna*, 1220. (Cf. above, vol. I. p. 172 *sq.*)

[*Ib.* f. 179, Ep. 728 *bis.*]

POPULO BONONIENSI.

Ex relatione Ven. Fratris nostri . . . Ostiensis Episcopi, devotione quam ad Romanam Ecclesiam geritis intellecta, tanto ad ea que vestram salutem respiciunt & honorem ferventius aspiramus, quanto vos tamquam obedientie filios ad ejusdem obediendum mandatis cognoscimus proniores vos ab hiis retrahere satagentes, que & famam vestram obnubilant, et afferre vobis possent incomodum et jacturam. Sane cum ex studio literarum preter infinita commoda, que sentitis, ex eo vestra civitas inter alias sit famosa, et in universo mundo nomen annuncietur ipsius, factaque sit altera Bethleem, domus videlicet panis qui parvulis frangitur in eadem, ex qua exeunt duces qui regant populum Domini, quoniam in studio eruditi assumuntur ad regimen animarum, non solum debetis a scolarium gravaminibus conquiescere verum etiam illos honoribus prevenire, attendentes, quod ipsi gratuito ad studendum vestram preelegerint civitatem, que cum prius esset humilis per eos ibidem congregatis divitiis fere supergressa est civitates provincie universas; verum vos ad hec, sicut ex parte Universitatis ipsorum fuit propositum coram nobis, debitum non habentes respectum; gratiam ipsorum in debitum et libertatem in servitutem molientes reducere, statuistis ut si quis inventus fuerit sectam pactionem vel conspirationem pro studio a civitate Bononiensi ad locum alium transferendo facere vel fecisse; et si Scolaris quispiam vel alius quemquam Scolarem adstrinxerit modo quolibet, quo precipere possit ei ut causa Studii eamdem exeat Civitatem perpetuo banniatur, et omnia bona ejus que Bononie vel in ejus districtu habuerit publicentur, et eorum tribuatur medietas accusanti: preterea Societatem vel Rectores Scolares non permittantur habere, nisi hoc capitulum in eorum juramento ponatur; videlicet quod non dabunt operam, ut Studium ad locum alium transferatur, nec cuiquam Scolari precipiant, ut gratia studii abscedat a Civitate predicta et numquam hujusmodi mutabunt capitulum cum consilio vel sine consilio eorumdem; ac si aliquis contrafecerit, modo simili banniatur, et bona publicentur ipsius: Potestas quoque infra duos menses ab ingressu sui regiminis teneatur predictum Capitulum jurari facere a Rectoribus Scolarium, si qui fuerint, vel infra quindecim dies, ex quo extiterint Rectores electi et in Societatum Scolarium scriptis poni, nec permittant Bononiensem aliquem vel extraneum, nisi primo juraverit quod non leget alibi, extraordinariam aliquam legere

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lectionem. Unde ex hiis dilectus Filius nobilis vir W. de Pusterula Potestas, vestra occasione assumpta in eos indebitam jurisdictionem usurpans, libertatem ipsorum infringere nititur, et contra eamdem pretextu ipsorum pro quorum observatione asserit se jurasse illos in pluribus aggravare. Verum quia Statuta hujusmodi procul dubio sunt iniqua et manifeste obvient Scolastice libertati, et juramentum super observatione ipsorum prestitum non est, utpote illicitum observandum cum nec judicium habeat nec justitiam; eundem W. monendum duximus et hortandum Apostolicis sibi dantes litteris in preceptis, ut Scolares predictos contra libertatem hactenus habitam occasione Statutorum ipsorum, que velut iniqua duximus reprobanda, de cetero non molestet, libertatem eandem modo quolibet infringendo, ut studium eorum impediri non possit sed potius floreat ad Dei honorem, ac profectum Studentium nec non ad ipsius gloriam civitatis, ne si secus attemptare presumpserit nos super hoc cogamur aliud cogitare. Quo circa Universitatem vestram monemus et exhortamur attente quatenus, consideratis utilitatibus et honore ex Scolaribus vobis et civitati vestre provenientibus, ipsos caritatis brachiis amplexemini, et pretextu Statutorum ipsorum, que dicenda sunt potius destituta, contra libertatem antiquam et habitam hactenus ipsos nullatenus molestetis, nec faciatis per Potestatem eamdem, remisso sibi juramento predicto de cetero molestari, permittentes eosdem solita libertate gaudere ut quieto animo possint inherere Scolasticis disciplinis et nos devotionem vestram possimus in Domino commendare, ne si secus egeritis, quod non credimus, contra voluntatem nostram cogamur faciem nostram vobis ostendere duriorem.

Datum Viterbii viii. Id. April. Pontificatus nostri anno quarto.

V.

FORM OF CONFERRING THE DOCTORATE *IN UTROQUE JURE* AT BOLOGNA.

[From Gaggi, *Coll. Bon. Doctorum Origo et Dotes*, Bononiæ, 1710.]

Cum mihi fueris præsentatus in utroque jure examinandus, et legitime approbandus per Illustrissimos, et Excellentissimos D.D. (*nominando Promotores*) Equites auratos, Comites Palatinos, Doctores celeberrimos, et cum inde subieris arduum et rigorosum examen in quo tam docte quam egregie te gesisti, ut cætus iste Illustrissimorum et Excellentissimorum P.P. nemine penitus, dico penitus disentiente te dignum laurea judicaverint, ideo auctoritate qua fungor Archidiaconi hujusque Studii majoris Cancellarii te

N.N. in prædictis facultatibus Doctorem creo, publico, et nomino, dans tibi omnimodam facultatem legendi, Magistralem Cathedram ascendendi, glosandi, interpretandi, et avocandi, necnon omnes actus Doctoreos exercendi hic et ubique terrarum et locorum; insuper iis omnibus utendi privilegiis, quibus uti, et frui soleant illa felicia capita, quæ in his almis Collegiis promerita fuerunt. Quæ omnia in tuæ augmentum famæ, Collegiorum nostrorum decus, ad laudem et gloriam Omnipotentis Dei et Beatæ semper Virginis Mariæ Collegiorum protectricis perpetuo eventura desidero.

VI.

THE ROMAN MUNICIPIA AND THE ITALIAN CITIES.

(Additional note to vol. I. p. 96.)

Savigny assumed that the Curiæ maintained an unbroken continuity throughout the Dark Ages, and that the Cities preserved an autonomy which blossomed into the free Republics of the late Middle Age. The untenable character of this view was shown by Karl Hegel in his *Geschichte der Städteverfassung von Italien*, Leipzig, 1847, the tendency of which was against any continuity between the old Roman and the medieval constitutions. A judicial summing up of the question is to be found in *The Communes of Lombardy from the Sixth to the Tenth Century*, by William Klapp Williams (*Johns Hopkins University Studies*, Ser. IX, Baltimore, 1891), whose corrections of Savigny's far too confident and absolute statements I have accepted. It does not appear, however (so far as I have been able to ascertain), that this generally-received view substantially alters Savigny's conclusion as to the continuance of the Roman *Law*—at least, of that Roman private Law which carried with it some, at least, of the theories of the Roman Public Law, theories which passed into realities as soon as the old municipal independence revived under altered forms. I have also consulted the work of Charles Diehl, *Études sur l'administration Byzantine dans l'exarchat de Ravenne* (568–751), in *Bibl. des Écoles françaises d'Athènes et de Rome*, Paris, 1888, p. 92 *sq.*

The continuity of the municipal organization in southern France is also denied by Karl Hegel, *Städte und Gilden der Germanischen Völker*, Leipzig, 1891, II. p. 29 *sq.*: but in regard to some of the towns of southern France there appear to be more traces of such continuity than in Lombardy.

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VII.

SECESSIONS FROM BOLOGNA.

(Towns which became permanent Studia Generalia are printed in Capitals).

Ante 1182. Pillius retires to Modena from Bologna.

1188. Jacobus de Mendia contracts to come to REGGIO and bring his scholars with him—probably from Bologna.

1204. Migration from Bologna to VICENZA.

1215. Roffredus of Beneventum secedes from Bologna to AREZZO, in consequence of severe punishment of Lombard *v.* Tuscan Riots.

1222. Migration from Bologna to PADUA.

1228. Migration from Padua to VERCELLI.

1282. Scholars absolved from an oath which they had taken to leave Bologna for five years (Sarti, I. ii. p. 106).

1306. Total suspension of the Studium for three years (*Acta Nat. Germ.* p. 59).

1312. Migration from Bologna 'timore novitatis' (*Acta Nat. Germ.* p. 65).

1316. Migration from Bologna to Argenta.

1321. Migration of nearly the whole University of Bologna to SIENA, and to the existing University of Perugia, which obtains *Jus ubique docendi* in all Faculties.

1326. Execution of a Bolognese Scholar—Migration to Imola.

1338. Interdict on Bologna and suspension of Studium—Secession to Castello S. Pietro: and consequent foundation of PISA and FLORENCE.

This list does not profess to be complete.

VIII.

LEONARD FIBONACCI, THE IMPORTER OF ALGEBRA.

Introduction to his *Liber Abbaci.*

(Additional note to vol. I. p. 243.)

[From Libri's *Histoire des Sciences mathématiques*, II. pp. 287, 288.]

'Incipit liber Abbaci compositus Leonardo filio Bonacci Pisano, in anno 1202.

Cum genitor meus a Patria publicus scriba in Duana Bugea pro

pisanis mercatoribus ad eum confluentibus constitutus præesset, me in pueritia mea ad se venire faciens, inspecta utilitate et commoditate futura, ibi me studio abbaci per aliquot dies ita esse (*sic*) voluit et docere. Ubi ex mirabili magisterio in arte per novem figuras Yndorum introductus, scientia artis in tantum mihi præ cæteris placuit et intellexi ad illam, quod quidquid studebatur ex ea apud Ægyptum, Syriam, Græciam, Siciliam et Provintiam cum suis variis modis ad que loca negotiationis causa prius ea peragravi, per multum studium et disputationis didici conflictum. Sed hoc totum etiam et Algorismum atque Pictagoræ quasi errorem computavi, respectu modi Yndorum. Quare amplectans strictius ipsum modum Yndorum et attentius studens in eo, ex proprio sensu quædam addens et quædam etiam ex subtilitatibus Euclidis geometriæ artis apponens, summam hujus libri, quam intelligibilius potui in quindecim capitulis distinctam componere laboravi, fere omnia quæ inserui certa probatione ostendens ut ex causa perfecta quæ præ cæteris modo hanc scientiam appetentes instruantur, et gens latina de cetero sicut hactenus absque illa minime inveniatur.

. . . . . .

Scripsistis mihi, domine mi et magister Michael Scotte, summe philosophe, ut librum de numero quem dudum composui vobis transcriberem; unde vestræ obsecundans postulationi ipsum subtiliori prescruptans indagine, ad vestrum honorem et aliorum multorum utilitatem correxi.'

IX.

THE UNIVERSITY OF PARIS IN A.D. 1204.

(Additional note to vol. I. pp. 293, 356.)

The account given in the Continuation of Rigordus' *De Gestis Philippi Augusti* by Guillaume le Breton (wrongly ascribed to Rigordus himself by Bulæus, III. 49), of the heresy of Almaric of Bena and the action taken by the University to check it, may be considered the *locus classicus* for the state of the University at this time, and is worth quoting at length:—

'In diebus illis studium literarum florebat Parisius, nec legimus tantam aliquando fuisse scholarium frequentiam Athenis vel Ægypti, vel in qualibet parte mundi, quanta locum prædictum studendi gratia incolebat. Quod non solum fiebat propter loci illius admirabilem amœnitatem, et bonorum omnium superabundantem affluentiam, sed etiam propter libertatem et specialem

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prærogativam defensionis quam Philippus Rex et pater ejus ante ipsum ipsis scholaribus impendebant. Cum itaque in eadem nobilissima civitate non modo de trivio et quadrivio, verum et de quæstionibus juris canonici et civilis, et de ea facultate quæ de sanandis corporibus et sanitatibus conservandis scripta est, plena et perfecta inveniretur doctrina, ferventiori tamen desiderio sacra pagina et quæstiones theologicæ docebantur. Fuit igitur in eadem sacra facultate studens quidam clericus, Amalricus nomine, de territorio Carnotensi, villa quæ Bena dicitur oriundus: qui, cum in arte logica peritus esset, et scholas de arte illa et de aliis artibus liberalibus diu rexisset, transtulit se ad sacram paginam excolendam. Semper tamen suum per se modum docendi et discendi habuit, et opinionem privatam et judicium quasi sectum et ab aliis separatum. Unde et in ipsa theologia ausus est constanter asseverare quod quilibet Christianus teneatur credere se esse membrum Christi, nec aliquem posse salvari qui hoc non crederet, non minus quam si non crederet Christum esse natum et passum, vel alios fidei articulos, inter quos articulos ipse hoc ipsum audacter audebat dicere annumerandum esse. Cum igitur in hoc ei ab omnibus catholicis universaliter contradiceretur, de necessitate accessit ad summum Pontificem, qui, audita ejus propositione et Universitatis scholarium contradictione, sententiavit contra ipsum. Redit ergo Parisius, et compellitur ab universitate confiteri ore quod in contradictum prædictæ opinioni suæ sentiret: ore, dico, quia corde nunquam dissensit. Tædio ergo et indignatione affectus, ut dicitur, ægrotavit, et lecto incumbens decessit in brevi, et sepultus est juxta monasterium Sancti-Martini de Campis' (Bouquet, *Rer. Gall. SS.* XVII. pp. 82, 83).

X.

THE ETERNAL GOSPEL.

(Additional note to vol. I. p. 382 *sq.*)

The idea of a soon approaching new era in which the Everlasting Gospel spoken of in Rev. xiv. 6 should for the first time be proclaimed, originated in the writings of Joachim, Abbot of the Cistercian Monastery of Flora in Calabria († *circa* 1202 A.D.). This Everlasting Gospel was not conceived of as a book: on the contrary, it was to be a Gospel of the Spirit, as opposed to the Gospel of the Letter, which was contained in the New Testament; and its exponents were to be Monks. The Old Testament age had been the era of the Father and of the *conjugati*, the New Testament

age was the era of the Son and of *clerici*. The new era, which was to begin in 1260 A.D., was to be the era of the Spirit and of the *Monachi* or *Spirituales*. The Old and New Testaments, forms, sacraments, hierarchies, even active life itself, were to be superseded, or, at all events, transcended, by the new and more perfect way of pure contemplation.

As the fateful year 1260 approached, these ideas gained great currency among the extreme and more enthusiastic disciples of S. Francis; but in the Franciscan interpretation of the 'Eternal Gospel,' what had before been vague, indefinite, and ideal, became precise, concrete, and consequently more unmistakably heretical. In the Apocalyptic Angel flying 'in the midst of heaven, having the everlasting gospel to preach unto them that dwell on the earth,' they saw S. Francis himself. In Joachim's announcement of the new order of *Spirituales*, they found a prophecy of his barefooted Order which was, ere long, to supersede Pope, prelates, and secular clergy. The name 'Eternal Gospel,' which had been given by Joachim to the new *spirit* which was to supersede the period of Sacred books, was applied to the writings of the Abbot Joachim himself, i.e. (1) A *Concordia Novi et Veteris Testamenti*; (2) his Commentary on the Apocalypse; (3) his *Psalterion*. In the year 1254 the new Joachimism, in its extremest form, was embodied in the book condemned at Paris under the title of the *Evangelium Æternum*. This book consisted of two parts: (1) the *Introductorius* or *Præparatorium*, the work not (as was once supposed) of the Minister-general, John of Parma, but of a Friar in the Paris convent, Gerardus de Borgo San Dominio; (2) the *Concordia Novi et Veteris Testamenti*, and probably that alone of the works of Joachim, with glosses by Gerard. The first seven of the *Errores* drawn up by the Parisian Masters (*Chartul. Univ. Paris.* T. I. pt. i. No. 243, from Matth. Paris, *Chron. Maj.*, ed. Luard, VI. p. 335, and other sources) are from the *Introductorius*, which is lost; the remaining twenty-four are, as Denifle has shown with his usual exhaustive thoroughness, much garbled and, in some cases, almost unrecognizable versions of passages in the *Concordia* (*Archiv für Litteratur- und Kirchen-Geschichte*, I. Heft i. 1885, p. 49 *sq.*). He has also published the 'process' before the Commission at Anagni, in which the Promoter attempts to disprove the charges against the book, by elaborate citations from Joachim and from the *Introductorius* and glosses of Gerard. For the very extensive literature on the subject, see Denifle, *l. c.* p. 51 *note*. It will be enough here to mention (in addition to Denifle) Renan's fascinating article in *Nouvelles Études d'histoire religieuse* (ed. 2, Paris, 1884, p. 217 *sq.*) and the most recent contribution to the subject by Gebhart in *L'Italie mystique*, Paris, 1890, p. 182 *sq.*

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It is needless to show that some at least of the ideas as to Evangelical poverty lived on, and not only among the heretical Fraticelli. In a letter published by Denifle (*Chartul. Univ. Paris.* I. pt. i. No. 439), the Friars are accused of teaching the 'imperfection' of Christ among other things, because 'carnes comedit vinumque bibit,' while they declared that he did this 'exemplum solum prebens imperfectis.'

XI.

THE CHURCH AND THE ROMAN LAW.

(Additional note to vol. I. p. 323)

The attitude of the Church to the Roman Law has long been the subject of much controversy, especially of quite late years. The controversy has ranged especially round two Bulls:—

(1) The Bull *Super speculam* of Honorius III in 1219, forbidding the study of the Civil Law (*a*) at Paris, and (*b*) to Priests, beneficed clergy, and Regulars. (Denifle, *Chart. Univ. Paris.* I. No. 32.)

(2) The Bull *Dolentes* of Innocent IV in 1253 or 1254 (*ib.* No. 235), forbidding the promotion of a Civilian 'nisi in aliis liberalibus disciplinis sit expertus': and further enjoining that 'cum in Francie, Anglie, Scotie, Wallie, Hispanie et Hungarie regnis cause laicorum non imperatoriis legibus sed laicorum consuetudinibus decidantur,' the Civil Law is not to be taught in them 'si tamen hoc de regum et principum processerit voluntate.'

Père Antonin Danzas (*Saint Raymond de Pennafort et son époque*, Paris, 1815) and M. Charles de Mouléon (*L'Église et le Droit Romain*, Paris, 1887) have contended that the Church was always hostile to the study of the Civil Law, though it ought to have been more so. M. H. Beaune (*L'enseignement du droit civile et le papauté* in the *Revue Catholique des institutions et du droit*, 1881) and Father Denifle (*Die Entstehung der Univ. des Mittelalters*, pp. 696, 704, &c.) deny all hostility to the Roman Law on the part of the Church or the Papacy. The Abbé Péries takes the same view. M. Marcel Fournier (*L'Église et le Droit Romain*, Paris, 1890), while admitting that there was no permanent hostility or desire to suppress the Civil Law, contends that at this particular time there was a certain hostility to the Civil Law, (1) as interfering with the study of Theology and Canon Law, (2) as unfavourable to the claims of spiritual authority.

The last-mentioned Bull rests solely on the authority of Matthew Paris, *Chron. Maj.* (ed. Luard, VI. p. 293). Its genuineness is doubted or denied by Denifle, and defended by Fournier. His

arguments do not seem to me to outweigh the force of Denifle's objections: 'Dubitandum tamen, an hæc constitutio sit authentica, non respondet enim actioni ingenioque Innocentii, qui vel in curia vel extra eam studium juris civilis promovit, et adhuc anno 1254 "generale studium theologie, decretalium, decretorum atque *legum* in palatio suo, sicut ubique fecerat, ordinavit." . . . Ipsum etiam dicendi ac scribendi genus in hac epistola minime cum genere ab Innocentio in suis epistolis adhibito congruit. Tandem ne vestigium quidem reliquit hæc Constitutio tam generatim, quam in illis regionibus pro quibus maxime edita videtur. A nullo etiam, Matthæo Parisiensi excepto, adducitur, cum tamen Constitutio *super speculam* Honorii III (*supra*, No. 32), quæ ab omnibus allegatur, statim ubique exsecutioni mandata sit, et Parisiis per aliquot saecula viguerit' (*Chartularium Univ. Paris.* I. No. 235 *note*).

This Bull being put aside, the two former prohibitions indicate no hostility to the study of Roman Law, (1) except for those whose proper study was Canon Law, (2) in one particular University specially devoted to Theology and where the study of the Civil Law was objected to by the Sovereign. Even this measure of jealousy for the study of Theology represents rather the ideas of the age before Honorius III, and all these Bulls admit, though they deplore, the general addiction of the clergy to the Civil Law. The prohibition at Paris was maintained, though its interdiction to Regulars and beneficed clergy soon ceased to have much effect, in many Orders and places, owing to the frequency of dispensation.

It should be added that Gregory IX limited the scope of even this prohibition by a decision 'quod illi qui habent simplices curas animarum (i.e. ecclesias parochiales nisi sint plebania) non tenentur illa constitutione' (Denifle, *D. Univ. d. Mittelalters*, I. p. 697).

Denifle's suggestion (*ib.* p. 679) that the prohibition of the Civil Law at Paris may have been due to the want of space for so many students in the Island, seems to me to take rather *au grand sérieux* the rhetorical statement in the Bull with reference to the Theological students 'quod coangustatum est illic stratum et fere artus est locus ibidem filiis prophetarum.'

XII.

THE LIBER DE CAUSIS.

(Additional note to vol. I. pp. 356, 357.)

The following extracts will give some idea of the contents of the book:—

'Quod est, quoniam si intelligentia est semper, quæ non

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movetur, tunc ipsa est causa rebus sempiternis, quæ non destruuntur, nec permutantur,' &c. (Thom. Aquin. *Opera*, IV. Antuerpiæ, 1612, f. 8 *a*.)

'Quod est, quia si res intellectæ et intelligentia sunt unum, et intelligentia scit essentiam suam, tunc proculdubio quando scit essentiam suam, scit reliquas res, et quando scit reliquas res, scit essentiam suam' (*ib.* f. 9 *a*.)

'Omnis sciens qui scit essentiam suam, est rediens ad essentiam suam reditione completa . . . Et hoc non est ita, nisi quia sciens et scitum sunt res una' (*ib.* f. 9 *b*.)

'Substantiæ autem factæ in tempore, non assimilantur substantiis sempiternis quæ sunt supra tempus per aliquem modum vel motum . . . Necessariæ ergo sunt substantiæ sempiternæ' (*ib.* f. 14 *b*).

'Necesse est ergo ut sit res aliqua quæ sit res tertia, media inter utrasque, cuius substantia cadat sub æternitate, et ipsius actio cadat sub tempore' (*ib.* f. 15 *a*).

XIII.

THE EXAMINATIONS AT PARIS ILLUSTRATED BY BOURGES.

(Additional note to vol. I. p. 450.)

The nature of the two Examinations at Ste Geneviève comes out much more plainly in the Statutes of some of the minor French Universities, which were based on the customs of Paris, than in the Registers of Paris itself. The clearest that I have found is the following Statute of Bourges, probably *circa* 1468–1480 (from Fournier, *Statuts et Priv. des Univ. franç.* III. No. 1863). It will be observed how the list of books required has shrunk. Bourges may well have adopted a lower standard than Paris: but still it is probable that the requirements of the Faculty even at Paris (especially at this late date) were *always* in practice less severe than on paper:—

'Item, statuimus quod, antequam aliquis accedat ad gradum licentie, tenebitur audivisse alios quatuor libros *Phisicorum*, tres libros *De Celo*, duos *De Generatione*, tres primos *Meteororum*, tres *De Anima*, *De Memoria*, *De longitudine et brevitate vite*, cum sex primis libris *Metaphisicorum* et sex primis *Ethicorum*, cum parte *Euclidis* et cum libro *De Sphera*.'

[For B.A. the Statutes require: '*Isagogen* Porphyrii, *Predicamenta* Aristotelis, duos libros *Periarmenias*, primos *Topicorum*,

duos *Ethicos* . . . tres primos *Phisicorum* cum parte quarti *Periermenias.*'] APPENDIX. XIII.

'Item, statuimus quod tenebuntur licentiandi respondere bis palam et publice, et poterunt esse quinque ad majus in uno die et in eadem disputatione; tamen sufficient quatuor. Et tenebuntur respondentes solvere presidenti suo quilibet unum scutum auri.

Item, statuimus quod, his peractis, Facultas deputabit quatuor magistros qui jam attigerint tertium annum a suo magisterio et qui non habeant scholares illo anno licentiandos ex sua regentia propria, qui deputati experimentum capient de sufficientia omnium licentiandorum. Et jurabunt dicti deputati quod recipient sufficientes et repellent insufficientes.

Item, statuimus quod, his sic peractis, ad relatum dictorum deputatorum sub suis signis manualibus fideliter traditis, cancellarius ordinabit dictos licentiandos secundum ordinem sibi per dictos deputatos datum, preponendo semper meliores et sufficientiores aliis, ut detur studentibus occasio bene studendi, et nemini fiat injuria pro loco.

Item, statuimus quod, antequam procedatur ad licentiam ipsorum licentiandorum, artium Facultas congregata ordinabit quatuor alios magistros a primis, qui in cameris deputatis examinabunt dictos licentiandos in propriis personis; et si non repererint eos tales quales primi examinantes retulerint reperiisse, referent Facultati, insufficientiam allegantes, qua Facultas cognoscet de errore primorum; quos si invenerit errasse, eorum errores poterit corrigere, loca mutando aut totaliter repellendo, si videantur insufficientes.

Item, statuimus quod, approbatione vel reprobatione facta per dictos secundos examinatores, in una sedula ponent suos licentiandos secundum ordinem debitum et signata suis propriis signis, et eam clausam tradent cancellario, cui licitum non erit divertere ordinem, sed secundum positum ordinem in sedula eos licentiabit.'

From this document, taken in connexion with others, it would thus appear that the process of taking the degree at Ste Geneviève involved the three following steps:—(1) *Examinatio in communibus* (so called because the candidates were not at present divided into *cameræ* or batches); an examination into performance of statutable conditions as well as a literary examination, before the Chancellor and Examiners, in which the candidates were divided into *cameræ* or classes, and arranged in order of merit within each *camera* or *auditio*. (2) Each *camera* or *auditio* was then subjected to a more detailed examination in the books by the Examiners of the Faculty (*Temptatores in cameris* or *in propriis*). It would seem that these Examiners might, if they pleased, change the order of the Candidates in the same Auditio (see Fournier, III. p. 166). (3) The candidates were then sent to the Chancellor, who,

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upon the report or *depositiones* of the Examiners *in cameris*, and after hearing their formal *collationes*, admitted them to the Licence in the order in which they were presented to him. Such at least was the view of his duty taken by the Faculty, though it is not improbable that he sometimes rebelled against it, as was constantly done by the Chancellor of Notre Dame.

At Nantes (1461) there were two Examinations, no doubt more or less corresponding to the two Examinations at Paris. At the first of these the 'cedulæ' of attendance at lectures, of Determination, and of Responsions were produced, and the candidate examined 'per singulos libros.' After this the candidate received his 'cappa.' At the second Examination he was examined 'particulariter et de specialibus et finaliter de metrificatura' (*ib.* No. 1595).

XIV.

THE EARLY TRANSLATIONS OF ARISTOTLE AND PLATO.

(Additional note to vol. I. pp. 37, 350.)

Boethius is usually credited with translations of all the books in the Organon. See for instance Prantl, *Gesch. d. Logik*, I. p. 680; Teuffel, *Hist. of Rom. Literature* (E. T. by Wilhelm Wagner), II. 1873, new ed. pp. 527, 528: and these translations are commonly included among his works. But the better opinion seems to be the one I have adopted in the text: see authorities mentioned in vol. I. p. 25. Valentin Rose (*Die Lücke im Diogenes Laërtius und der alte Übersetzer* in *Hermes*, Berlin 1866, I. p. 382) appears to take the same view. At all events it is clear—and this is all that is important for our purpose—that the translations of the other books of the Organon, afterwards attributed to Boethius, were quite unknown from the beginning of the Dark Ages down to the generation after Abelard.

The authorship of the medieval translation of Plato's Phædo is discoverable from a MS. of it in the Library of C. C. C., Oxford (No. 243), in which it is ascribed to 'Euericus Aristippus Cathinensis,' also described as 'Cathinensis Archidiaconus.' The same volume contains a translation of the Meno, which professes to have been made 'jussu domini mei gloriosissimi Siculorum regis Guillermi.' The MS. also informs us that the translator had been requested by Hugh, Abp. of Palermo, to translate Diogenes Laertius. These facts fix the date to between 1155 (when Euericus became Archdeacon) and 1166. Other indications narrow it still further to 1154-1160. The MS. was copied at Oxford by Frederick

Naghel of Utrecht in 1423, and formed part of Duke Humphry's Library. Mr. Poole refers me to an earlier MS. of this translation written in the fourteenth century in the Leyden University Library (No. 64). As to Euericus Aristippus, see the article of Rose cited above. For some of these references I am indebted to Prof. Bywater.

XV.

FEMALE GRADUATION AT BOLOGNA, ETC.

The following is from Gaspar Marianus de Varrano Lentius (*Responsum viro Batavo circa ea quæ Bononiæ de studiis præcipua notabilia sunt*, Bononiæ, 1719): 'Contigit pluries majoribus nostris audire ex cathedra fœminas jura docentes. Beltina de Calderinis, lauream jurium adepta, dicitur sustulisse vices Joannis de Sancto Georgio mariti, publice pro eo legendo. Novella item de Calderinis, cum Joannes de Lignano ejus vir distraheretur curis, cathedram ascendebat explicando jura. Battisia de Gozzadinis Laurea Juris coronata legit domi biennio, mox publice in Archigymnasio, incredibili plausu. Duas habuit filias Accursius legum glossator et ejus familiæ fundator Bononiæ, quæ jura exposuerunt, ut testantur Albericus de Rosate et Joannes Fravenlobius.'

The statement as to Battisia Gozzadini is found in no writer earlier than Ghirardacci (I. pp. 158, 159). See Fantuzzi, IV. p. 209; Sarti, I. p. 171. The other stories appear to be equally legendary. See (as to the daughters of Accursius) Fantuzzi, I. 37.

A more authentic instance of female graduation occurs in Facciolati, *De Gymm. Patav. Syntagmata*, XII, p. 91:

'Postremum nobis publicæ Laureæ exemplum Veneta matrona præbuit. Anno enim MDCLXXVIII Helena Lucretia Cornelia Jo. Baptistæ Marciani Procuratoris filia, cum in Philosophorum Collegio, quæ moris sunt, animose strenueque peregisset, in Cathedrali Basilica magisterii nomen et insignia publice accepit, paucis ante diebus adversus Græcum hominem, qui Philosophicas theses proscripserat defendendas, primum Latine, deinde Græce disputavit, adstantibus nostræ Venetæque civitatis primoribus. Antequam autem Patavio discederet, scholasticis titulis habituque ornata adolescentes duos Lauream petentes in Collegii aula rite interrogavit. Omnia porro hæc cum ad veritatem, non ad speciem et fucum, præstitisset, Academici Patavini, qui Recuperati dicuntur, publicam de ejus laudibus exercitationem habere voluerunt. Lubens adfuit. Cumque gratias toti ordini Latino sermone egisset, urbis Rectores, qui concioni præerant, Græcis carminibus laudavit.'

For the early female Doctors of Medicine at Salerno, see above, vol. I. p. 86. Cf. also above, vol. II. 79.

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XVI.

THE VERCELLI CONTRACT.

(Additional note to vol. I. p. 156, and vol. II. pp. 12 *sq.*, 26.)

[From Balliano, *Della Universita' degli Studi di Vercelli*, 1868, p. 38.]

Carta studii et Scolarium Commorantium in Studio Vercellarum.

Anno dominice incarnationis 1228 indicione prima die Martis quarto Mensis Aprilis. Iste sunt conditiones apposite, et confirmate, et promisse ad invicem inter Dominum Albertum de Bondonno et Dominum Guillelmum de Ferrario, Nuncios et Procuratores communis Vercellarum constitutos per Dominum Rainaldum Trotum Potestatem Vercellarum nomine ipsius Communis super statuendis, et firmandis infrascriptis conditionibus, ut in instrumento facto per Petrum de Englesco Notarium apparebat ex una parte et ex alia Dominum *Adam de Canocho Rectorem Francigenarum, Anglicorum, Normanorum*, et Magistrum Raginaldum de Boxevilla, et Magistrum Enricum de Stancio eorum nomine, et nomine Universitatis Scolarium ipsius rectorie et Dominum *Jacobum de Yporegia Procuratorem Scolarium Ytalicorum*, ut dixit, et Dominum Guillelmum de Hostialio Vicarium Domini Curradi Nepotis Domini Archiepiscopi, prout ibi dictum fuit, alterius Procuratoris et Italicorum, ut dixit, eorum nomine, et Universitatis Scolàrium Italicorum, et Dominum *Gaufredum Provincialem rectorem Provincialium, et Spanorum et Catellanorum*, et Dominum Raimundum Guillelmum, et Dominum Pelegrinum de Marsilia eorum nomine et nomine Universitatis Scolarium ipsius rectoriæ ex alia, videlicet, quod Potestas Vercellarum nomine ipsius communis et ipsum commune dabit Scolaribus, et universitati scolarium quingenta hospicia de melioribus que erunt in civitate, et si plura erunt necessaria, plura, ita videlicet quod pensio melioris hospicii non excedat summam librarum decem et novem papiensium, et exinde infra fiat taxatio aliorum hospitiorum arbitrio duorum scolarium et duorum civium, et si discordes fuerint, addatur eis Dominus Episcopus vel alius discretus clericus de capitulo Vercellarum ad electionem communis, ut si tamen canonicum elegerit rectores eligant quem velint, et debeat solvi pensio hospiciorum ad carnem privium (*sic*). Si autem essent plura hospicia in uno contestu apta scolaribus, licet ejusdem hominis essent, vel unum haberent introitum, non debeant reputari pro uno hospicio, sed pro pluribus arbitrio predictorum.

Ita quod de istis quingentis hospiciis excipiantur domus, que sunt in strata, in quibus consueverunt recipi et recipiuntur hospites in nundinis Vercellarum, et albergantur per totum annum continue. Item Magistri et scolares hospicia que haberent conducta pro tempore teneantur reddere potestati qui pro tempore fuerit vel ejus nuncio, et si propter rixam vel discordiam vel aliam necessariam vel iustam causam ab eis peterentur a Potestate vel ejus nuntio ad voluntatem Potestatis, eis servatis indampnis antequam exeant illa hospicia; ita quod illa hospicia debeant evacuari, postquam petita fuerint a scolaribus arbitrio prædictorum vel iudicio Potestatis, et aptari ad opus studii infra octo dies, et si non facerent infra octo dies, ut supra dictum est, scolares, si voluerint, possint facere necessarias expensas de pensione domus. Item promiserunt predicti Procuratores nomine communis Vercellarum, quod Commune mutuabit scolaribus et universitati scolarium usque ad summam decem millium librarum p. p. pro duobus denariis ad duos annos, postea pro tribus usque ad sex annos, et portabit vel portari faciet commune Vercellarum prædictam pecuniam usque ad quantitatem sufficientem scolaribus ad locum aptum, et totum (tutum?) scilicet Venecias, et ipsam eis dabit commune receptis pignoribus, et receptis instrumentis a scolaribus manu pubblica confectis, quæ pignora reddet commune Vercellarum scolaribus precaria cum fuerint Vercellis in hospiciis collocati, recepta idonea fideiussione scolarium et prestitis sacramentis a principalibus personis de reddenda ipsa pecunia, et quod cum ea non recedent in fraudem. Item quod cum scolaris solverit pecuniam sibi mutuatam, quod commune Vercellarum ipsum reservabit in erario communis, scilicet sortem tantum et de ea providebit commune alii scolari indigenti sub eodem pacto et simili conditioni, et quod ussure commune Vercellarum non computabit in sortem, et recipietur particularis solutio a scolaribus, scilicet tertie partis, vel dimidie, et fiet novatio predictorum debitorum, vel fidejussorum, vel precariorum. Item quod commune Vercellarum non dimitet victualia iurisdictionis Vercellarum extrahi de comitatu eorum, sed eas asportari faciet in civitate bona fide, et bis in septimana faciet fieri mercatum, et prohibebit quod dicta victualia non vendantur ante tertiam aliquibus qui debeant revendere, exceptis quadrupedibus et blavis et vino, et hoc salvis sacramentis et promissionibus Potestatis et communis Vercellarum de dando mercato specialibus personis, videlicet comiti Petro de Maxino et comiti Ottoni de Blandrate et comiti Gocio de Blandrate et comiti Guidoni de Blandrate. Item quod commune Vercellarum ponet in Caneva Communis modios quingentos furmenti, et modios quingentos siccalis ad mensuram Vercellarum, et illam dabit scolaribus tantum et non aliis pro

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eo pretio quo emta fuerit; ita tamen quod scolares ipsam blavam teneantur emere pro pretio quo empta fuerit, quo usque duraverit, et hoc faciet commune Vercellarum tempore necessitatis ad petitionem scolarium. Item quod commune Vercellarum constituet salarium competens arbitrio duorum scolarium et duorum civium, et si discordes fuerint, stetur arbitrio episcopi, et salaria debeant taxari ante festum omnium Sanctorum, et solvi ante festum Sancti Thome Apostoli, videlicet uni theologo, tribus dominis Legum, duobus decretistis, duobus decretalistis, duobus physicis, duobus dialecticis, duobus grammaticis. Ita tamen quod scolares Vercellarum et ejus districtus non teneantur aliqua dona Magistris vel Dominis dare. Ita quod dicti Domini et Magistri, qui debent salarium percipere a Communi Vercellarum, eligantur *a quatuor Rectoribus, scilicet a Rectore Francigenarum, a Rectore Ytalicorum et Rectore Teotonicorum, et Rectore Provincialium* iuratis, quod bona fide eligent meliores Dominos et Magistros in civitate, vel extra, et substituent eis alios meliores usque ad certum gradum, quos crediderint posse haberi ad salarium, et stabitur electioni trium, si autem tres non fuerint concordes addatur eis qui pro tempore reget in Theologia, promittens in verbo veritatis, quod bona fide eliget meliorem de illis de quibus inter Rectores erit controversia, et electioni ejus stetur, et omnes prædicte electiones fiant infra quindecim dies intrante mense Aprilis. Item qui pro tempore erit Potestas Vercellarum mitet infra quindecim dies post electiones factas de Dominis et Magistris propriis expensis communis Vercellarum fideles Ambaxatores juratos, qui bona fide ad utilitatem studii Vercellarum querent Dominos, et Magistros electos et eos pro posse suo obligare procurabunt ad legendum in civitate Vercellarum. Item quod commune Vercellarum servabit pacem in civitate, et districtu Vercellarum, et ad hoc dabit operam Potestas et commune Vercellarum. Item quod nullum scolarem pignorabit pro alio scolari nisi pro eo specialiter fuerit obbligatus communi Vercellarum. Item quod si aliquis scolaris, vel ejus nuncius robatus fuerit in civitate Vercellarum vel ejus districtu sive in alio districtu, quod commune Vercellarum faciet idem pro eo; et (ut?) faceret pro alio cive Vercellarum, dando operam bona fide et fideliter cum litteris et Ambaxatoribus ut suum recipiet. Item non offendent scolares, vel eorum nuncios ad eos venientes, nec capient propter aliquam guerram; vel discordiam, vel rixam, quam commune Vercellarum haberet cum aliqua civitate, vel cum aliquo Principe seu castro, sed vel licentiabit commune Vercellarum ipsos, vel affidabit. Item quod commune Vercellarum eos tractabit in civitate, et in ejus districtu sicut cives. Item quod iusticie exhibitione serventur scolaribus eorum privillegia, nisi eis specialiter renunciaverint, et exceptis maleficiis in quibus com-

mune Vercellarum plenam habeat iurisdictionem. Item quod commune Vercellarum habebit Universitati scolarium duos bidellos, qui eodem gaudeant privillegio quo scolares. Item habebit commune Vercellarum duos exemplatores, quibus taliter providebit, quod eos scolares habere possint, qui habeant exemplantia [exemplaria ?] in utroque jure et in Theologia competentia, et correcta tam in textu quam in gloxa, ita quod solutio fiat a scolaribus pro exemplis secundùm quod convenit ad taxationem Rectorum. Item si aliqua discordia oriretur inter scolares, commune Vercellarum non favebit aliquam partem, sed ad pacem et concordiam commune dabit operam. Item quod predictas conditiones servabit commune Vercellarum usque ad octo annos. Item quod scolares vel eorum nuncii non solvant pedagia in districtu Vercellarum que sint et perveniant in commune Vercellarum. Item Massarios communis dantes pecuniam scolaribus non habebit commune Vercellarum, nisi duos, et illos non mutabit nisi semel in anno. Item Potestas Vercellarum, et ipsum commune teneantur mittere per civitates Italiæ, et alibi, secundum quod videbitur expedire Potestati vel communi ad significandum studium esse firmatum Vercellis, et ad scolares Vercellarum ad studium immutandos [invitandos ?]. Item predictas conditiones commune Vercellarum ponet in statuto civitatis Vercellarum, et Potestas, qui pro tempore fuerit, iurabit eas servare in sui principio, sicut certa statuta civitatis, et faciet iurare suum successorem, et ita successive usque ad octo annos, et nullo modo de statuto Vercellarum usque dictum terminum sive octo annorum ante extrahantur, et super iis omnibus duo instrumenta uno tenore confecta fiant. Item promiserunt predicti Rectores et scolares eorum nomine et nomine aliorum omnium scolarium de eorum rectoria predictis procuratoribus nomine communis Vercellarum, quod bona fide sine fraude dabunt operam, quod tot scolares venient Vercellis, et morentur ibi in studio quot sint sufficientes ad predicta quingenta hospicia conducenda, et quod universum studium Paduæ veniet Vercellis et moretur ibi usque ad octo annos; si tamen facere non poterint, non teneantur. Item quod fuit de eorum concordia quod Domini vel Magistri vel scolares non debeant advocari in aliqua causa in civitate vel districtu nisi pro scolaribus vel pro suis factis, vel coram delegatis ab utroque Principe vel in foro ecclesiastico coram ecclesiasticis personis. Item quod Domini vel Magistri vel scolares vel Rectores non erunt in aliquo facto-vel consilio in detrimento civitatis Vercellarum, et si sciverint aliquem vel aliquos facere vel tractare aliquid contra honorem et statum communis Vercellarum bona fide prohibebunt ne recedant et Potestati Vercellarum quam citius poterint manifestabunt.

Item promiserunt, quod non capient partem aliquo modo inter

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cives Vercellarum vel eius districtu. Item fuerunt in concordia, quod quilibet rector tantam habeat potestatem in omnibus negociis scolarium quantum alius, nec aliquis ipsorum habeat majorem potestatem propter maiorem numerum scolarium. Unde plures carte uno tenore scripte sunt. Actum in Padua in hospicio Magistri Razinaldi, et Petri de Boxevilla, presentibus Domino Philippo de Carixio Canonico Taurinensi et Bono Joanne de Bondonno, et Martino advocato Vercellensi.

Ego Bonus Joannes Notarius civis Vercellensis filius quondam Manfredi nequx [*sic*] hiis omnibus interfui, et hanc cartam tradidi, et jussu ambarum partium scripsi, et scribi feci.

Dr. Cogo (*Intorno al trasferimento d. Univ. d. Padova*, Padova, 1892) has questioned the genuineness of this document, but his reasons seem to me quite inadequate.

XVII.

PAPAL DEGREES.

From a very early period we find the Pope interfering with the ordinary working of the academical system in order to confer degrees upon favoured individuals. One of the earliest instances occurs in 1218, when Honorius III specially directed 'Petro de Capua, W[illelmo] de Ponte Arce et Ricardo Anglico (sometimes identified with Richard le Poor, afterwards Bp. of Durham) doctoribus Parisiensibus,' to examine Matt. de Scotia, and if found sufficient, to admonish the Chancellor of Paris to license him in Theology. In other cases, the Bull merely dispensed the candidate from some of the statutable conditions, e.g. directed that he should be admitted at once to the reading of the Sentences. It became a regular system to grant this privilege to Friars who had received, or were supposed to have received, the earlier stages of their theological education in Convents outside the Universities and who were sent to Paris simply to graduate. At other times the Papal Bull authorized certain ecclesiastics not only to examine but to actually confer the Mastership upon the candidate. (Wadding, *Annales Ordinis Minorum*, VIII. p. 585; X. p. 477.)

By the fifteenth century such Commissions to confer degrees, whether permanent and general, or simply *ad hoc*, had been largely multiplied. Thus the *Statuta Artistarum* of Padua, Venice, 1596 (f. xxviii *a*) recite that 'Plerique uel paupertate coacti uel alia causa inducti quum non possint uel nolint ex aliqua causa se subiicere examini clarissimi collegii in artibus medicinæ baccalariatus

uel doctoratus gradum sumunt ab aliquibus qui ex apostolica uel imperatoria auctoritate facultate[m] et priuilegium habent huiusmodi baccalarios uel doctores creandi.' The Statute goes on to enact that nobody in the Paduan territory is to take such degrees without paying to the University the fees which he would have had to pay for graduating in the regular way.

So in England (Rot. Claus. Ric. II. 14 m. 32) the King complains that certain Dominicans 'in lege diuina minime approbati seu instructi set apotastate (*sic*) et notorie viciosi et . . . per ordinem predictum carceribus condempnati mare transeuntes gradum sibi magisterii ac alias gracias exemptorias subdole ac fraudulenter impetrant et procurant.'

Complaints of the multiplication of these *Doctores bullati* might be produced to any extent.

I have seen the statement that in post-medieval times the right of granting degrees was charitably bestowed by the Pope as a source of revenue upon monts de piété! But I have not been able to verify this allegation.

It appears that the Emperor likewise (but more rarely) exercised the right of making *Doctores bullati*, and even delegated it to others, e. g. the Count Palatine (Itterus, *De honoribus sive gradibus academicis*, pp. 134 *sq.*, 347).

XVIII.

SCHOOLS IN LONDON.

There was never a University in London; but it is interesting to observe that there was a kind of loose Association among the Masters of its various Schools of exactly the kind which elsewhere developed into a University. This development never took place at London, because the Schools were only Schools of Grammar and Logic. The following account of them is given in Fitz-Stephen, *Description of London* [ed. Pegge], London, 1772, pp. 62-65 (written *circa* 1174-79): 'In Lundonia tres principales ecclesiæ [? S. Paul's, S. Martin's, S. Mary Arches] scholas celebres habent de privilegio et antiqua dignitate. Plerumque tamen favore personali alicujus notorum secundum philosophiam plures ibi scholæ admittuntur. Diebus festis ad ecclesias festivas magistri conventus celebrant. Disputant scholares, quidam demonstrative, dialectice alii: hii rotant enthymemata, hii perfectis melius utuntur syllogismis. Quidam ad ostentationem exercentur disputatione quæ est inter collectantes; alii ad veritatem, quæ est perspectionis gratia. Sophistæ simulatores agmine et inundatione verborum beati

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judicantur, alii paralogizant. Oratores aliqui quandoque orationibus rhetoricis aliquid dicunt apposite ad persuadendum, curantes artis præcepta servare, et ex contingentibus nihil omittere. Pueri diversarum scholarum versibus inter se convixantur; aut de principiis artis grammaticæ, vel regulis prætoritorum vel supinorum, contendunt. Sunt alii qui in epigrammatibus, rythmis et metris, utuntur vetere illa triviali dicacitate; licentia Fascennina socios, suppressis nominibus, liberius lacerant; lædorias jaculantur et scommata; salibus Socraticis sociorum, vel forte majorum, vitia tangunt; vel mordacius dente rodunt Theonino audacibus dithyrambis. Auditores

"multum ridere parati
Ingeminant tremulos naso crispante cachinnos."'

Blackstone declares that 'King Henry the Third, in the nineteenth year of his reign, issued out an order directed to the Mayor and Sheriffs, commanding that no Regent of any law schools within that city should for the future teach law therein' (*Commentaries*, I. 23). I have been unable to trace this document, which is not in the Patent or Close rolls of that year. Part of it is preserved by Coke (*Institutes* II. Proem.), from whom no doubt Blackstone took it: 'Quod per totam civitatem London. clamari faciant et firmiter prohiberi, ne aliquis scholas tenens de legibus in eadem civitate de cætero ibidem leges doceat, et si aliquis ibidem fuerit hujusmodi scholas tenens, ipsum sine dilatione cessare fac. Teste rege &c. 11 Die Decembris, anno regni sui decimo nono.'

The teaching aimed at may have been teaching in the Laws of England, and may in that case have been intended (as suggested by Pearce, *Hist. of the Inns of Court*, London, 1848, p. 18) as a measure of protection for the Inns of Court, which lay of course outside the city boundaries. Or—perhaps more probably—it may have been an attempt to teach the Civil Law. The study of Roman Law was so vigorous in England at the end of the twelfth, and beginning of the thirteenth, century, that an attempt to teach it in London would have been extremely probable. But for the opposition with which the attempt was met, it is probable (i) that we should have had a University in London, (ii) that the Common Law would have been profoundly modified by an enormously greater infusion of Roman Law than any that has actually taken place.

As to the Grammar Schools of London, see also Sir George Buck's *The Third Universitie of England*, appended to Stow's *Chronicle of England*, London, 1631. For a Guild of young Scholars, founded at Lynn in 1383, see Toulmin Smith's *English Gilds* (ed. Brentano, London, 1870), p. 51.

XIX.

LAW STUDIES AT OXFORD IN THE TWELFTH CENTURY.

Twyne (MSS. XXII. p. 164) gives an extract from some lost portion of the work of Giraldus Cambrensis, no doubt the burned portion of the *Speculum Ecclesiæ*:—

'In altero MS° qui continet opera quædam Sylvestri Gyraldi, viz. eius Distinctiones libris 4. Ubi in præfatione ad librum primum distinctionum suarum sic loquitur Gyraldus:

"Proinde etiam verbum illud quod apud Oxoniam nostris diebus a clerico quodam cui nomen Martinus, qui et Bononiæ in legibus aliquandiu studuerat et literis tamen antea prouectus fuerat, pauperistis quorum ibi tunc copia fuit, dum pauperum S. liber ille sic dictus in pretio stetit, responsum erat, hic recitare præter rem non putavimus. In quodam enim scholarium conuentu non modico ubi et causæ coram iudicibus ventilabantur et controversiæ cum alijs cunctis qui aderant aduocatis qui contra ipsum omnes esse consueuerant et ipse quoque contrarius uniuersis, lex una quæ contra ipsum expressa videbatur, obiecta fuisset et conclamantibus cunctis et insultantibus 'per hanc legem Martine salies sicut et symiæ saltandi dici solet perque legem istam velis nolis saltum facies,' curialiter ab ipso, mordaciter tamen et lepide satis responsum est in hunc modum: 'Si saliendum est mihi, saliam quidem, sed saltum quem vos fecistis omnes et (?) cum animaduerterem scilicet usque ad Imperatoriam maiestatem si nempe debeatis et corpore medii, nec feci reuera nec faciam.'"'

The passage is paraphrased by Wood, *Hist. et Antiquitates Universitatis Oxon.* I. p. 56 (copied by Holland in *Collectanea*, II. p. 176); but the above is clearly the actual text.

The allusion to the 'imperatoria maiestas' seems to betray the origin of the story. It is probably one of the numerous stories told about the disputes between Martinus and the other Bologna Jurists (cf. above, vol. I. pp. 255. 259) at the Court of Frederick I, which Giraldus, consciously or unconsciously, transferred to Oxford in much the same way as University stories are transferred from Oxford to Cambridge, and from one great personage to another, at the present day.

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XX.

ARISTOTLE IN OXFORD.

(Additional note to vol. I. pp. 38, 350 *sq.*; II. p. 521.)

The following is from the unpublished *Compendium studii Theologiæ* of Roger Bacon (MS. in the Library of University College, Oxford, No. XLVII. pt. i. *ad fin.*: I owe the reference to Twyne MSS. XXII. p. 228):—

'Tarde vero venit aliquid de philosophia Aristotelis in usum Latinorum quia naturalis philosophia eius et metaphysica et commentaria Auerrois et aliorum super hiis temporibus nostris translata sunt, et Parisius excommunicabantur ante annum Domini 1237 propter æternitatem mundi et temporis et propter librum de diuinatione somniorum, qui est tertius de somno et vigilia et propter multa erronee translata. Etiam Logicalia fuerunt tarde recepta et lecta, nam beatus Edmundus Cantuariæ Archiepiscopus primus legit Oxoniæ librum Elenchorum temporibus meis, et vidi Magistrum Hugonem qui primo legit librum Posteriorum et verbum eius conspexi. Pauci igitur fuerunt, qui digni habiti sunt in philosophia predicta Aristotelis respectu multitudinis Latinorum, imo paucissimi et fere nulli usque in hunc annum d^ni^ 1292, quod in sequentibus copiosissime et evidentissime patefiet. Et tarde conata est Ethica Aristotelis et nuper lecta a magistris et raro: atque tota philosophia reliqua Aristotelis in mille voluminibus, in quibus omnes scientias tractauit, nondum translata est, nec communicata Latinis.'

XXI.

HONORIUS III AND OXFORD.

The following Bulls, in which allusions occur to the Chancellor of Oxford, have never yet been printed.

Twyne gives the following account of a Bull which is not found in the published Registers of Honorius III (MSS. XXIII. p. 67):—

'Bulla Honorii papæ, dat. Laterani 3° Cal. Aprilis pontificatus sui a° 5°, in qua M^r^. W. Scoto Archidiacono Wygorn., Cancellario Oxon., nec non Willelmo Rectori Ecclesiæ de Cercell potestatem facit cognoscendi causas decimarum de diversis parochiis Osneyensibus debitarum, necnon testium qui decrepiti et senes iam erant in cautelam futuram examinandorum; deinde subjicitur illorum summonitio Rectori Ecclesiæ de Beketo ut intersit recep-

tioni huiusmodi testium si velit in crastino Octabarum Apostolorum Petri et Pauli anno ab incarnatione domini 1221.'

Except that Twyne continues:—

'Hæc omnia in uno eodemque scripto extant ubi simul cum illa summonitione recitatur bulla illa predicta papalis, et in fine illius chirographi sic habetur:

"Et in huius rei testimonium presenti scripto sigilla nostra apposuimus, hæc autem a nobis duobus facta sunt quoniam tertius, scilicet Cancellarius, de quo in literis Apostolicis facta est mentio tunc temporis in rerum natura non fuit."'

This notice appears among 'Excerpta ex variis chyrographis et chartis tunc Prioratus S. Frideswydæ tunc Monasterii Osney, in chartario Ecclesiæ Ædis Christi Oxon.—sub aula eiusdem collegii.' As far as I can ascertain, the document must be lost.

There is a marginal note: 'Vidi tamen aliud scriptum ad hanc ipsam formam, Walteri scilicet Archidiaconi Wygorn. et Cancellarii Oxon. sub sigillis suis de hac ipsa materia et absque sigillo Decani Oxon., a° domini 1221 die lunæ proximo post festum sanctæ Frideswydæ super decimis de Kencote et Nortune.'

A Bull is preserved in the Archives which runs as follows (S. E. P.—Y. 2):

'Honorius episcopus servus servorum Dei dilectis filiis . . . Archidiacono Wigorniensi et . . . Cancellario et Decano Oxonie Lincolniensis diocesis Salutem et Apostolicam benedictionem. Ex parte . . . Abbatis et conventus de Oseneia fuit nobis humiliter supplicatum ut cum ius percipiendi decimas in diuersis parrochiis ex canonica concessione obtineant ab antiquo, illos qui facti huiusmodi habent notitiam cum ualitudinarii sint et senes ne ueritas occultetur et probationis copia fortuitis casibus subtrahatur recipi ad testimonium faceremus, Nos autem discretioni u[estre] per Apostolica scripta mandamus quatinus huiusmodi testes idoneos quos iidem Abbas et conuentus uobis duxerint presentandos diligenter examinare curetis et eorum dicta in publica faciatis redigi munimenta, denuntiando illis quos huiusmodi causa contingit ut receptioni testium si uelint intersint et super denunciatione sic facta faciatis confici publicum instrumentum. Quod si non omnes hiis exequendis potueritis interesse duo uestrum ea nichilominus exequantur. Dat. Laterañ. III Kal. Aprilis Pontificatus nostri anno quinto [March 30, 1221: Seal missing].

The *executorium* is in S. E. P.—Y 3. Other documents of the same kind and date, once in Pix Y 7, are lost.

A Bull about a similar tithe-dispute, referring it to the Prior of S. Frideswyde, the Dean of Oxford, and the Chancellor of Oxford, in 1231, with the decision of the delegates, is preserved

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among the MSS. of the Dean and Chapter of Ely. The document runs: 'Omnibus sancte matris ecclesie fidelibus presens scriptum uisuris et audituris Prior sancte fredeswide Decanus et Cancelarius Oxonie salutem eternam in Domino. Mandatum domini pape in hec uerba suscepimus. "Gregorius Episcopus seruus seruorum Dei Dilectis filiis priori sancte fredeswide Decano et Cancelario Oxon. lincolniensis dioc. salutem et apostolicam benedictionem. Querelam G. rectoris ecclesie de bluntesham recepimus continentem quod venerabilis frater noster Episcopus prior et conuentus Eliensis . . . Datum Reate 9 kal. julii pontificatus nostri anno quinto." Huius ergo auctoritate . . . In huius rei testimonium huic scripto signa nostra apposuimus. Anno incarnationis domini M CC XXXIII facta fuit hec compositio.' Other Papal delegations to the Chancellor of Oxford in 1235 and 1236 occur in Bliss, *Transcripts*, I. pp. 148, 150.

XXII.

CONFLICT BETWEEN MASTERS AND SCHOLARS AT OXFORD, ?1338.

(See above, vol. II. pp. 397, 398.)

'Quidam conflictus contigit Oxoniæ die sabbati in festo S. Benedicti Abbatis anno eodem (scilicet anno 1330) inter Magistros Oxoniæ tam Regentes quam non Regentes ex una parte et communitatem scholarium eiusdem ex alia; eo quod quidam scholares insolentes qui nolebant antiquis universitatis legibus circa pacis conservationem et perturbatorum pacis punitionem ab antiquo usitatis obedire liberius solito pacem perturbare volebant, unde et multitudinem juvenum sibi ad resistendum suis magistris illicite adunabant. In ipso autem conflictu ex utraque parte quamplures vulnerati erant, et quidam interfecti; tamen victoria cessit scholaribus 3° nonas Aprilis, videlicet die Veneris proxima ante Dominicam in Ramis palmarum.'

These are copied by Twyne (MSS. XXII. p. 366), as 'excerptum ex quodam veteri chronico quod olim pertinuit ad ecclesiam Lichfeldensem,' with the note 'Chronicon unde hæc nota desumpta est, pertingit ad annum domini 1347. Ibi etiam multa habentur de ecclesia Lichfeldensi.' There is also a marginal note 'Mr. Allen,' but I have been unable to find the MS. among Allen's MSS. contained in the Digby bequest to the Bodleian, or to trace it elsewhere. There must be some mistake about either the year or the day: the dates given would be possible in 1338.

XXIII.

AN OXFORD 'FORMA.'

The following fragment, which has not been printed before, deserves preservation. It occurs in Twyne, XXII. MSS. 163 *sq.*, being copied by him from a MS. which it would be difficult or impossible now to trace :—

['In altero MS° quod sic incipit ***utrum a sphæris cœlestibus continue mutabilibus, &c.***, vbi sic lego] :

Hæc est forma incœptoris in artibus Oxoniæ, videlicet :

Liber Metaphysicorum per annum (connumerando dies festos).
Liber Ethicorum per 4 menses integros (con. dies fest.).
Geometria per unam septimanam integram (non con. d. f.).
Algorismus per 8 dies
Sphæra per 8 dies } non. con. d. f.
Compotus per 8 dies
Arithmetica Boetii per 3 septimanas integras (non con. &c.).
Priscianus magni voluminis vel Liber Politicorum vel 19 libri de animalibus communerando Libros de motu et progressu animalium audiatur per 6 septimanas integras non. con.
Priscianus de constructionibus partium.
Liber cœli et mundi per terminum anni.
Liber Metheororum per terminum anni.
4us Liber Topicorum Boetii.

Item oportet quod legat 2 libros logicales ad minus, unum de veteri Logica et alterum de nova vel ambos de nova et unum de libris naturalibus, videlicet libros 4 cœli et mundi vel 3^es^ libros de Animalibus, 4 libros Metheororum vel duos libros de generatione et corruptione vel librum de sensu et sensato cum libris de memoria et reminiscentia, de somno et vigilia vel librum de motu animalium cum duobus minutis libris naturalibus.

Item oporteat (*sic*) quod bis respondeat et quater arguat in solennibus disputacionibus Magistrorum nec non disputando ad quodlibet, videlicet bis questioni et semel problemati. Item jurabit ante licentiationem quod provisum est sibi de scholis pro anno in quo debet regere.

Item oportet quod unum librum Aristotelis, textum videlicet cum questionibus, in scholis publice rite legat.'

Twyne XXI. 761 copies a similar 'forma' from the end of a MS. entitled 'Algorismus in prosa,' in the Merton College Library (which I have failed to identify) :—

'Nota quod hæc est forma Inceptorum in Artibus :

Imprimis 4 libri Meteorum (*sic*).

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Item 4 de cœlo et mundo.
Item 4us Topicorum Boetii.
Amarchat.
Item Algorismus.
Item computus cum sphæra.
Item Arithmetica cum Geometria.
Item Liber Ethicorum.
Item XII de Animalibus.
Item 10 Libri Metaphysicæ.'

XXIV.

THE SEE OF LINCOLN FROM 1173 to 1209.

The vacancies alluded to in vol. II. p. 354 were as follows:—

1173. Geoffrey Plantagenet, natural son of Henry II, was elected and confirmed, but *never consecrated.* He resigned Jan. 6, 1182.
See vacant one year and a half.

1183. Walter of Coutances (Archdeacon of Oxford) was consecrated on July 3, 1183, and translated to Rouen in 1184.
See vacant two years.

1186. S. Hugh was elected Aug. 10 and consecrated Sept. 21, 1186. He died at the end of 1200.
See vacant nearly three years.

1203. William of Blois was elected in 1201, and consecrated in 1203. He died in May, 1206.
See vacant three years and a half.

1209. Hugh Wallis or Wells was consecrated Dec. 20, 1209.

XXV.

LOST COLLEGES AT OXFORD.

A. *Burnell's Inn or London College.*

London College may perhaps be considered an exception to what has been said above (vol. I. p. 573) as to the non-extinction of any Oxford College founded in the medieval period. It is, however, as will be seen, an exception which proves the rule. This College has, indeed, perished so completely, that its existence has been quite unrecognized by most of our University historians.

The indefatigable Twyne, however (MSS. XXIV. 588), tells us that, when Edward I expelled the Jews from England, their Synagogue in Oxford, with other adjoining buildings, was bought by William Burnell, Archdeacon of Wells and brother of the better known Robert Burnell, Bishop of that See, and was by him turned into a Hall for students, known as Burnell's Inn. So far it might appear that this was a mere unendowed Hall, and that the Archdeacon's purchase was simply an investment of money; but the following passage from the Chronicle of Mailros would seem to indicate that the Hall was meant as a habitation for the College maintained at Oxford during his lifetime by the purchaser's brother, Robert Burnell, Bishop of Bath and Wells. After speaking of the establishment of Balliol College, *sub anno* 1270, the Chronicler proceeds:—

'Et ibi [Oxoniæ] alia domus Scholarium melior illa [Balliol], qui percipiunt ad communiam suam xii denarios per circulum septimanæ de dono Episcopi Bathensis.' (*Chron. de Mailros*, ed. Fulman, ap. *Rer. Angl. SS.*, Oxoniæ, 1684, p. 241).

Licence for an Oratory was granted in 1291 (Lincoln Reg., Sutton, f. 25).

There is no evidence that the Bishop endowed the College; and, after his death in 1292, 'Burnel's Yn' became an ordinary Hall again, coming in 1307 into the possession of Balliol College (Wood, *City*, I. p. 155).

In the time of Henry IV, however, Richard Clifford, Bishop of London, acquired the Inn, and turned it into a College, henceforth known as London College, for a body of scholars whom he provided for during his lifetime, and to whom he left at his death in 1421 a sum of 1000 marks. This sum was not, however, to be invested in land—then the only possible form of permanent investment. The executors were simply directed to pay £40 a year to the scholars as long as the money lasted. When this sum came to an end, the College must have been left without endowment; though, as the scholars were presumably in possession of the Hall and paid no rent, the corporation must, it would seem, have survived, and vacant places been filled up by election. It remained as a College, with no endowment but its buildings. These are said to have been destroyed by Wolsey to make way for Christ Church.

The following is an extract from Bishop Clifford's will:—

'Item, lego mille marcas pauperibus scolaribus meis presentibus et futuris Oxonie in hospicio meo vocato Burnell commorantibus siue commoraturis et sociis dicti hospicii perseuerantibus et perseueraturis: ita quod de dictis mille marcis per executores meos Magistro et sociis antedictis pro eorum sustentacione

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quadraginta libre annuatim ministrentur, quousque summa dictarum mille marcarum sic ut predicitur sit soluta et plenarie consummata.' (Lambeth Reg., Chich. i. f. 347.)

The College was still extant in 1425, when we find a rental or payment 'de Johanne Hertipole modo tenente magistri et scholarium de quodam hospitio nuper vocato Burnell's Yn modo Lundon College pro tenemento nostro,' &c. (Wood, *City*, II. p. 88). This passage is important as showing that the Master and scholars had a corporate existence and held property. We hear of London College as late as 1616 (Archives, Reg. G. 6, f. 316 *b*), a statement which it is difficult to reconcile with Twyne's account of its fate. Wolsey may have bought the Hall, but not destroyed it.

B. *S. Peter's House* (?).

A document is printed in Wood, *City* II 497, from the Register of Bishop Burghersh at Lincoln authorising the collection of alms on behalf of the 'pauperes domum S. Petri Oxon. inhabitantes.' This may conceivably have been a 'domus pauperum' of the type mentioned above, p. 657, but there is nothing to prove that the house was for scholars.

XXVI.

RELICS OF THE ANCIENT AUTONOMY OF THE OXFORD HALLS.

The following formal account of the admission of the present Principal of St. Mary Hall, the Rev. D. P. Chase, D.D., is a copy (which I owe to his kindness) of the entry made at the time in the Register of the Hall.

This day at two o'clock p.m. the Rev. Drummond Percy Chase, Master of Arts, Fellow of Oriel College, was admitted Principal of this Hall in the presence of Edward Rowden, D.C.L., Registrar of the University and Notary Public.

The Aulares present were—

Masters of Arts, two.
Bachelors of Arts, three.
Non-Graduates, seven.

Form of Admission.

The Rev. D. P. Chase was, at two o'clock p.m., conducted by the Vice-Chancellor and Bedels to the Dining-Hall.

The Vice-Chancellor addressed the Aulares, stating that he was

come in obedience to a letter, received on the day previous from the Chancellor of the University, to announce his Lordship's nomination of a Principal in the room of the Rev. Philip Bliss, D.C.L., lately deceased.

He next read the following passage from the Statuta Aularia, I. § 4. 1:—

'*De Principalibus aularum eorumque substitutis.*

Statutum est quod ad regimen aularum assumantur viri ætate matura et morum gravitate venerandi; saltem Magistri in Artibus, vel in Jure aut Medicina Baccalaurei; qui ad nominationem domini Cancellarii ab aularibus eligantur, et per Vice-Cancellarium ad præfecturam et regimen admittantur.'

He then read the letter of the Chancellor nominating to the vacant Principalship the Rev. Drummond Percy Chase, and submitted the nomination to the Aulares, by whom it was unanimously approved.

The Rev. D. P. Chase then took the Oaths of Allegiance and Supremacy, and the oath further prescribed by the Statuta Aularia, I. § 4. 2:—

'Quod Principales . . . observari facient.'

The Vice-Chancellor then made the admission in the following words:—

'Domine Principalis ego admitto te ad præfecturam et regimen Aulæ Beatæ Mariæ Virginis,' and, having briefly congratulated the Principal and the Aulares and made a cursory inspection of the Plate belonging to the Hall [a complete inventory of all the property being required, by the Statuta Aularia, I. § 6. 1, 'Statutum est . . . juxta verum valorem satisfacere,' to be deposited with the Registrar of the University] he returned, accompanied by the Principal, to his own lodgings.

Dec. 5, 1857. D. P. CHASE, Principal.

The only other trace of self-government left in the still valid Laudian Statuta Aularia is the provision (§ 273) that any of the moveables of the Hall may be alienated, if of less value that 40*s*, 'cum consensu majoris partis graduatorum' (§ 6. 2). If the value exceeds 40*s*., the consent of the Vice-Chancellor is required. I may add that even this scant recognition of the Society's autonomy seems scarcely consistent with the theory devised by modern lawyers, according to which the property of the Halls is held in trust for them by the University. The fact is that the Hall is a survival from a time when the modern notions about the incapacity of *Collegia* to hold property without incorporation

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by the State had not been developed: our lawyers have accordingly not known what to make of the institution.

Dr. Chase's reply to my enquiries as to the ownership of the site and buildings of St. Mary Hall is perhaps worthy of preservation, as illustrating the position of a Hall as a community occupying a House which is not its own.

'*The Buildings constituting the Quadrangle of St. Mary Hall* are in three holdings.

1. In the centre of the North side is a tenement, of two storeys, containing three sets of rooms, for which the annual Rent of Sixteen Pounds two Shillings is paid to Oriel College.

2. Adjoining this tenement on the East are Buildings,
   (*a*) of two storeys, containing three sets of rooms;
   (*b*) some "offices" behind the Quadrangle and not visible from it.

These are held from the Under-tenant of Magdalen College, originally at an annual Rent of £35; but since Michaelmas, 1862, £45.

3. The whole of the Eastern, Southern, and Western sides, and so much of the Northern as adjoins the Oriel tenement (1 above) are held of Oriel College at an annual Rent of £3. They include the Lodgings of the Principal.'

I have some recollection of having heard from the late Provost of Oriel that a lease of this last-named portion (3) was in existence and that it contained power of re-entry by the College if the property should ever cease to be applied to Academical use.

Under the Statute for the Union of Oriel College and St. Mary Hall, June 16, 1881 (page 321), Sections 1 and 2, this question will drop, 'on the first vacancy in the office of Principal of St. Mary Hall.'

All the Halls are doomed to extinction except S. Edmund Hall, which is placed under the government of Queen's College, by which the Principal has always been appointed.

For the election of Principals by the students in the London Inns of Chancery, as late as 1584, see Pearce, *Hist. of the Inns of Court*, p. 63.

XXVII.

THE CAMBRIDGE COMMENCEMENT.

The following is extracted from Gunning, *Ceremonies of the University of Cambridge*, London, 1828, pp. 120–125, as an illus-

tration of one of the last survivals in Europe of the ancient *Inceptio* or *Principium* (see above, vol. I. pp. 229 *sq.*, 285 *sq.*):—

COMMENCEMENT DAY.

On the Commencement Day, the Doctors in all Faculties and the Masters of Arts are created by their respective Fathers.

The bell begins to ring at nine o'clock.

The noblemen wear their robes, the Doctors their scarlet gowns.

When the Professors are ready, a Bedell directs the commencing Doctors in Divinity to put on their copes, and the commencing Doctors in Law and Physic to put on their robes.

The School-keeper gives printed copies of the forms observed at Creation to all Commencers; and to all Doctors in Divinity he gives the form of Profession.

A Bedell arranges the commencing Doctors according to the Seniority assigned them in a list given to him by the Professors in the respective Faculties.

He then precedes the Professors of Divinity, Law, and Physic, to the East end of the Senate-House, where the commencing Doctors are waiting.

He then precedes the Professor of Divinity, with his Sons, to the Vice-Chancellor's chair, the Professors of Law and Physic following with their Sons.

The Professor of Divinity then takes the chair, his Sons standing before him according to their Seniority, and the two Proctors take their places with their caps on.

The Senior Proctor taking off his cap, addresses the Professor in these words:

Venerande Pater ad Creationem.

The Professor makes his speech.

The Senior of the commencing Doctors then places himself at the right hand of the Professor, and turns himself towards the Senior Proctor, who says to him:

Domine Doctor incipe; and, at proper intervals,

Ad Oppositum.

Pone dextram manum in manum Doctoris.

Dabis fidem de observando Statuta, Privilegia, et Consuetudines hujus Academiæ approbatas.

Pone manum super librum.

Jurabis de continuatione Regiminis tui in biennium. Jurabis etiam quod extra hanc Universitatem nusquam, præterquam Oxoniis, in illa Facultate incipies, aut lectiones tuas solemniter resumes; nec consenties

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ut aliquis alibi in Anglia incipiens hic pro Doctore in illa Facultate habeatur.

Determinabis quæstionem in aurem Doctoris sedendo.

The Proctor then says, *Ad Professionem.*

The Doctor reads his Profession from the printed paper.

The Proctor says, *Exito*: after which the Doctor leaves his place.

The other Doctors of Divinity are created, separately, in the same manner.

The other Professors, who have Sons, make their Speeches, and proceed to Creation, as above; except that the *Ad Professionem* is not used.

Towards the close of the Speeches of the Professors, they introduce the ceremonies of giving their Sons the book, &c.

The book delivered by the Professor of Divinity is the Greek Testament; that delivered by the Professor of Law is Justinian's Institutes; that by the Professor of Physic is the Aphorisms of Hippocrates.

If any Persons are to be created Doctors of Music they appear in the habit of Doctor of Law.

The following Graces have been passed upon such occasions:

Placeat Vobis, ut A. B. *Musices Professor, bona venia cum vestra intret ad præsentandum* C. D. *ad incipiendum in Musica.*

Placeat Vobis, ut J. C. W. Musices Professor intret in habitu Doctoris in Jure Civili ad præsentandum A. B. *ad incipiendum in Musica.*

Cum in Academia nullus sit in Musica Doctor, Placeat Vobis, ut A. B. *Senior Procurator, istiusmodi Doctoris munus pro hac vice suppleat.*

The Professor, standing before the Vice-Chancellor's chair, says to each of them:

Authoritate mihi ab Academia commissa, Ego, J. R. hujus Academiæ in Musica Professor, creo, saluto, pronuncio te Doctorem in scientia Musica.

The Senior Proctor then takes the Father's seat, and the Junior Proctor, sitting at the table, says:

Honorande pater, ad Creationem.

The Bedell then calls from the Seniority list, made by the Proctor:

Magister A. Collegii —

The Proctor reads on, *Pone dextram manum in manum Magistri. Dabis fidem de observando Statuta,* &c. [ut supra].

Pone manum super librum.

Jurabis de continuatione Regiminis tui in quinquennium, &c. [ut supra].

XXVIII.

THE CHANCELLOR AND SCHOLARS OF SALISBURY, 1278.

The following is the agreement between the Sub-dean and the Chancellor of Salisbury alluded to above, vol. II. p. 396. It is taken from the *Liber Ruber* (f. 99) in the possession of the Bishop; to whose Deputy-Registrar, Mr. A. R. Malden, I am indebted for discovering the document which I knew only from the imperfect copy given by Caius, *De Antiq. Cantab.* p. 110.

'Die mercurii viii Idus Martii anno domini [*De iurisdictione Cancellarii Sarum.*] M°CC^mo septuagesimo VIII° presentibus in capitulo Saresberiensi dominis Waltero Decano, Domino Iohanne precentore, Simone Cancellario, Nicolao thesaurario, Stephano Berkensi et Henrico Wiltes'. archidiaconis, Willelmo Subdecano, Iohanne succentore, Willelmo penitentiario, Hugone de penne, Galfrido de Muleborn., Willelmo de Brimptoñ, Canonicis Saresberiensibus: Cum de iurisdictione inter scolares in Ciuitate Saresberiensi studiorum causa commorantes exercenda inter Cancellarium et subdecanum predictos, quorum uterque iurisdictionem ipsam ad suum officium pertinere dicebat, dissentio quedam exorta fuisset, tandem habito super hoc tractatu in capitulo die ipsa de utriusque expresso consensu conuenerunt in hunc modum—videlicet quod dictus dominus Cancellarius, ad cuius officium pertinet scolas regere, inter omnes scolares, cuiuscumque facultatis existant, studiorum causa in ciuitate ipsa commorantes, qui tanquam scolares certi doctoris, cuius scolas frequentant, recommendationem et testimonium habeant, de contencionibus ciuilibus et personalibus que pecuniarum interesse respiciunt, et scolasticis omnibus contractibus et eciam si laicus aliquem huiusmodi scolarium in consimilibus causis impetere voluerit, cognoscat et diffiniat et presbyteri ciuitatis decreta et precepta eiusdem cancellarii in hiis exequi teneantur. De aliis uero clericis et qui extra studium certi Doctoris scolas minime frequentantes ibidem moram fecerint, et de scolaribus ipsis, si forsan de lapsu carnis seu delicto alio ibidem commisso quod ad correccionem pertineat et salutem respiciat animarum, vocati fuerint, subdecanus ipse, qui est archidiaconus ciuitatis, iurisdictionem et correccionem habeat, exceptis tamen vicariis et clericis maioris ecclesie tam studentibus quam aliis, in quos Decanus cum capitulo et non alius ipso presente et Subdecanus similiter cum capitulo Decano

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absente, secundum hactenus obtentam ecclesie cõsuetudinem, omnimodam iurisdiccionem et cohercionem exercebunt: ita quod Cancellarius ipse per se nullatenus intromittat de eisdem.'

This agreement is immediately followed by a deed of Giles [de Bridport], Bishop of Salisbury (1256–1262), founding a College for a small community of scholars, to be called the Scholares de Valle Scholarium ('domum in usum et perpetuitatem scolarium qui vallis scolarium vocabuntur') with the consent of the Dean and Chapter and also of the brethren of the Hospital of S. Nicholas at Salisbury, the College being situated before the said Hospital, between the Cathedral and the King's highway. It was to provide for a Warden and twenty 'honest and docible poor scholars' studying 'in divina pagina et liberalibus artibus.' The Warden is given 'cohercionem plenariam . . . tam in temporalibus quam spiritualibus' within the house and its precincts, with an appeal to the Dean. The foundation of such a College, though it does not absolutely prove the existence of a Studium Generale, tends to corroborate it.

XXIX.

A DAY'S WORK AT LOUVAIN IN 1476.

(Additional note to vol. II. pp. 653, 654.)

The following is from a Ducal ordinance for Louvain in 1476:—

'Curabunt tutores, ut scholares de mane surgant hora quinta, et tunc ante lectionem quilibet per se legat et studeat leges in ordinaria lectione legendas, una cum glossis . . . Post lectionem vero ordinariam missa, si voluerint, celeriter audita, venient scholares ad cameras suas et revidebunt lectiones lectas, commemorando et memoriæ imprimendo ea quæ tam verbo quam scripto a lectionibus reportarunt. Et inde ad prandium venient . . . Prandio finito, libris ad mensam unicuique delatis, repetent omnes scholares unius Facultatis simul, tutore præsente lectionem illam ordinariam, in qua repetitione servabit tutor illum modum, ut per discretas cujuscumque interrogationes concipere possit, an quilibet ipsorum lectionem bene audiverit et memoriæ commendaverit, et ut tota lectio per partes a singulis recitandas reportetur; in quo si diligens cura adhibebitur, sufficiet tempus unius horæ' (Molanus, *Hist. Lovan. Libri XIV*, ed. de Ram, *Acad. Roy. de Belgique*, Bruxelles, 1861, II. p. 940).

Then follows preparation for the Evening Lecture, the Lecture itself, while the two hours before supper are devoted, the first

to a private study of the Lecture, the second to a 'repetitio' with the tutor. After supper, 'interponet tutor jocum honestum per mediam horam et disputationem levem et jucundam per alteram mediam horam, et inde mittet ad dormiendum. Et diebus non legibilibus, exceptis dominicis, fiet post prandium circularis disputatio in qualibet tutela et alia exercitia pro providentia et discretione tutorum' (*ib.* p. 941).

Tutors have power to subtract wine or flesh.

XXX.

STATUTES OF THE OXFORD HALLS, 1483-1489.

These Statutes are not dated, but there can be little doubt that they are identical with the Code drawn up by the Chancellor with the 'advice and consent of the Congregation of Masters and of the Principals of Halls' (see above, pp. 467, 625). The volume in which these are contained is at present an uncatalogued MS. in the Bodleian Library (marked Rawlinson Statutes 34). The volume also contains, (1) the Statutes of S. Mary's College and (2) of the College of S. George (see above, p. 653). A copy of the S. Mary's Statutes, which had long disappeared, was recently discovered by Mr. Shadwell, Fellow of Oriel, but the two other Codes appear to have been unknown to all previous writers:—

'Ordinaciones[1] et statuta edita per dominos Cancellarios huius [f. 1.] alme Vniuersitatis nostre pro tempore existentes ex discreto et maturo auisamento et concensu venerabilium cetus magistrorum ac principalium aularum ibidem ad vtilitatem et profectum scolarium, aularium studencium in eadem.

Statuta de deo ab aularibus colendo seruiendo et regraciando.

In primis statutum est quod nullus sustineat aliquem errorem vel conclusionem postquam de non tenendo eam sibi fuerit silencium impositum per principalem vel eius substitutum, sub pena tociens quociens iiijd.

[1] The marginal notes are in a later hand. The often repeated 'nota' has been omitted. As to the date, cf. *Mun. Acad.* p. 358.

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[1] Item quod quilibet sit ad altam missam matutinas et vesperas in ecclesia parochiali in singulis diebus festiuis nisi ex legittima causa per principalem approbata vel eius substitutum, sub pena quadrantis.

Item quod nullus iuret ac vtatur iuramentis nisi requisitus fuerit ad iurandum in iudicio iusticia et veritate, sub pena oboli.

Item quod quilibet infra aulam existens cotidie audiat missam et dicat matutinas et vesperas secundum exigenciam sui ordinis vel condicionis, sub pena oboli.

Item quod quilibet specialiter assit in aula singulis diebus sabati et quinque vigilijs beate marie immediate post primam pulsacionem ignitegij in ecclesia beate marie quando cantatur antiphona beate marie omni excusacione postposita, nisi grauis infirmitas aut alia racionabilis causa prius per propriam personam alligata et per principalem approbata eum excusauerit, sub pena quadrantis. Et si venerit post incepcionem clausule *funde preces* [f. 1b.] etcetera quando cantatur *Aue regina*, vel post incepcionem clausule *per illud aue* quando cantatur *Benedicta*, vel post incepcionem clausule *resurrexit* quando cantatur *Regina celi*, seu post incepcionem clausule *ipsa stella* quando cantatur *Stella celi*, vel post incepcionem clausule *quia genuisti* quando cantatur *Sancta maria* consimiliter ut absens puniatur.

Item quod primus sedens in mensa primas gratias, et posterius[2] secundas gratias in singulis dicat refeccionibus, sub pena quadrantis.

Item quod quilibet in mensa, vtrasque gratias deo deuote fundat ita quod nullus gratias risu, garulatu, strepitu aut alio quouismodo impediat, sub pena quadrantis.

Item quod nullus sedens in mensa antequam gratiarum acciones deo altissimo reddantur ab eodem recedat, sub pena quadrantis.

Item quod quilibet aularis[3] intersit singulis sermonibus vniuersitatis diebus dominicis in pleno termino in ecclesia beate marie predicandis nec non alijs sermonibus vniuersitatis infra precinctum dici consuetis ad principalis sui vel eius substituti monicionem, sub pena quadrantis.

Item quod quilibet tempore prandij seu cene diligenter et pacifice attendat lecturam biblie vel alterius libri per principalem limitandi, sub pena oboli.

[1] 'Item . . . puniatur' is erased in MS.
[2] 'posterius' erased.
[3] 'collegiorum' is written above.

Statuta de honeste conuersando et bene gerendo.

Eciam statutum est quod vnusquisque tam propter honorem aule in qua degit quam sui ipsius in moribus honeste se gerat ita quod nulla loca de inhonestate suspecta exerceat neque viris diffamatis communiter se associet neque alicui de malo faciendo seu dicendo consenciat quouismodo, sub pena iiijd.

Item quod nullus ludum alearum tabellarum[1] vel ad pilam manualem, artemve gladij bimanualis seu bokelarie aut aliquem alium ludum inhonestum pacis perturbatiuum, studij subtractiuum, exerceat, sub pena tociens quociens iiijd. [infra precinctum collegij sive extra[2].] [f. 2.]

Item quod nullus fabulaciones iniquas aut garulaciones inhonestas verbave turpia aut scurrilia bonos mores corrumpencia proferat infra precinctum aule, sub pena quadrantis, toties quocies[3].

De infamatis.

Item quod si aliquis aliquod crimen vel delictum tam graue ad extra committat vt sit infamatus ad infra vel communitas in eius persona scandalum verisimiliter paciatur, ipso facto nouerit se ab aula expulsum.

Item quod quilibet spaciaturus in villam vel campos secum si poterit vnum sociorum capiat suorum vt associatus securius et honestius transeat quam si solus exeat, ac vt cum eo eciam doctrina sit pocior et fama integrior, sub pena quadrantis.

Item quod cantu, clamore, vociferacione, instrumento musico aut quouis genere tumultus vel strepitus nemo socijs quo minus studere aut dormire veleant [*sic*], impedimentum afferat, sub pena quadrantis.

Item quod quilibet aularis tempore yemali ante horam octauam et ante horam nouenam in tempore estiuali infra aulam existat, sub pena jd. Ita quod de post sub eadem pena non exeat illa nocte.

Examinetur quod nullus transiliat muros de nocte post horam nonam sub-pena vj^{s}.

Item quod nemo aularis infra vniuersitatem vel eius suburbia existens absque licencia principalis impetrata et causa racionabili subsistente extra aulam suam pernoctet, sub pena iiijd.

Item quod nemo extraneum secum pernoctantem habeat infra aulam sine lisencia a principali petita et obtenta, sub pena iiijd.

Item quod nullus extra lectum proprium cum aliquo socio absque licencia principalis petita et obtenta iaceat, sub pena jd.

[1] 'tabellarum' erased. [2] 'infra . . . extra' in a different hand.
[3] 'tocies quocies' in a different hand.

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Item quod nemo cameram alienam socijs eiusdem camere prohibentibus aut socio illius vno prohibenti ingrediatur, sub pena jd.

viij^{d}. egrediendo vel ingrediendo.

Item si quis extra vniuersitatem proficisci se constituerit, is antequam vniuersitatem egrediatur suum decessum principali denunciet et locum ad quem iturus est licenciam ad hoc petendo sub pena vjd.

[f. 2b.]

et tempus prodiundi rectori denunciet.

Item quod nullus aularis cameram aut partem camere infra aulam nisi ad limitacionem principalis occupare presumat, sub pena expulsacionis ab eadem.

Camerarum usus.

Item quod nullus aularis aliquam causam domesticam correccionem non excedentem, saltem infra aulam terminabilem, ad forinsecum tribunal trahat; hoc est quod nullus socium aut semicomminarium siue seruientem communem occasione aut precepto cuiusuis extra aulam quomodolibet molestare presumat neque ad hoc concilium det aut fauorem, principali ad hoc concensum non prebente, nisi talis sit causa que tantummodo a domino cancellario fuerit terminanda, sub pena ijs.

De litibus determinandis.

Item quod nullus dicta vel communicata infra precinctum aule vel quecunque alia secreta que in euentu ad dispendium vel infamiam eiusdem aule aut alicuius in ipsa commorantis redundare possit (*sic*) alicui reuelet, denudet aut deuulget ad extra nisi fuerint talia in quibus dominus cancellarius merito est consulendus, sub pena xijd.

Contra reuelantes secreta.

Item quod nullus inducat aliquem extraneum ad refeccionem, lecturam, antiphonamve sabatinam aut aliquem alium aularem actum communem sine licencia principalis, sub pena ijd.

De extraneis non inducendis tempore refeccionis.

Item quod nullus aularis tempore communium gaudiorum sit absens sed quod eis suam exhibeat presenciam, sub pena principali reseruata.

Item quod omnes et singuli aulares ad campos aut alia loca quecunque propter recreacionem commodum aut honorem communitatis alicuius aule per principalem ad transeundum moniti illuc insimul incedant ac inde pariter reuertantur, nullo eorum domi tunc remanente nisi racionali causa subsistente, ex licencia principalis, sub pena ijd.

[f. 3.]

Item quod quilibet aularis suo principali tamquam suo superiori et gubernatori debitum impendat honorem, et neque nutu, verbo, signo vel facto ipsum aliquatenus vilipendendo; nec contra ipsum in malum conspirabit aut fedus iniet, set ei in sui officij execucione humiliter continue parebit, sub pena expulsacionis ab aula et denunciacionis eiusdem domino cancellario pro rebelli.

Principalis vel rector qualiter honorandus.

Item quod quilibet aularis vnicuique alij sociorum suorum secundum gradus et status sui exigenciam deferat honorem, presertim illi qui in gradu et sciencia decoratur, sub pena iiijd.

Statuta de pace ab aularibus seruanda.

Ac eciam statutum est quod nullus aularis palam, publice vel occulte verbo signo vel facto, concilio fauore vel auxilio occasionem litis, discordie, brige vel discensionis generet, suscitet, moueat aut procuret, seu comparaciones odiosas patrie ad patriam, generis ad genus, nobilitatis ad ignobilitatem, facultatisve ad facultatem, quomodolibet faciat aut alleget. Nec in verba prorumpat opprobriosa vnde de verisimili briga poterit inter socios oriri. Neque aliquem sociorum suorum alio nomine quam suo proprio cognito contumeliose aut derisorie nominet quouismodo; sub pena tociens quociens vjd.

Item quod nullus infra precinctum aule socio suo aut semicominario seu batellario famulove communi de dampno inferendo minetur. Nec arma inuasiua seu defensiua publice vel occulte gerat nisi ad remota statim iturus fuerit vel a remotis de nouo venerit nec eadem in ira vllo modo contra aliquem predictorum leuet aut extrahat, sub pena xijd. et amissionis eorumdem preter satisfaccionem partis lese. Contra gerentes arma. [f. 3b.]

Item quod nullus infra precinctum aule socium suum, semicominarium seu batellarium, famulumve communem pulset, percuciet aut verberet, cum pugno, lapide vel aliquo alio instrumento eorum aliquam [*sic*] citra sanguinis effusionem, sub pena iijs. iiijd; sicut nec vsque ad sanguinis effusionem, sub pena vjs. viijd. et amissionis dicti instrumenti tociens quociens contingat preter satisfaccionem partis lese. Et si hoc ipsum itauerit ab aula sit expulsus.

Item quod nullus ad mensam cultellum euaginatum deferat sub pena tociens quociens quadrantis, [videlicet cum procuratoribus non sine licentia rectoris][1].

Item quod nocte contra pacem et statuta vniuersitatis nemo vagetur sub pena expulcionis ab aula. [Sic debet esse 'videlicet cum procuratoribus set non sine licentia rectoris id est principalis sui'][2].

Item quod quilibet scolaris trutannus seu discolus, scolas non frequentans, vagabundus, scurriuagus, errabundus de nocte, fornicarius, latro, communis pugnator, portator armorum, seminator discordiarum, conuenticulator discensionum inter personas aut communitates, fautor, receptator vel manutentor malefactorum, aut delinquens, contumax et iuri parere recusans, seu quisvis irretitus crimine accusacione dignissimo, sua mala conuersacione Vniuer-

[1] 'videlicet . . . rectoris' in a different hand.

[2] 'sic . . . sui' in a different hand.

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sitatem scandelizans per statuta vniuersitatis pacis perturbator et studij censetur subuersor sentenciaque excommunicacionis innodatus. Statutum est quod quilibet talis ad monicionem sui principalis de desistendo a suo meleficio (*sic*) protinus totaliter desistat ab eodem sub pena expulcionis ab aula et denunciacionis pro tali qualis est domino Cancellario.

Item quod nullus accomodet arma sua alteri ad infra vel ad
[f. 4.] extra neque penes aliquem extra aulam deponat aut dimittat sine licencia principalis, sub pena iijs.

Item quod quilibet prorumpens in verba opprobriosa erga alium
Cessandum ad mandatum rectoris. aut aliquid iniuste faciens erga alium litem pariens ad mandatum protinus taceat principalis atque cesset, sub pena vjd.

Statuta de exercicio studij ab aularibus seruando.

Eciam statutum est quod nullus aularis in alio ydeomate quam latino, nisi illiterato aut extraneo, preterquam gaudiorum tempore et festorum principalium infra precinctum aule quomodolibet loquatur, sub pena tociens quociens quadrantis.

Item quod quilibet tam legi infra quam leccionem suam recitare congruis temporibus ad hoc assignatis teneatur, sic videlicet quod lecturam matutinam in aula et post meridianam recitacionem eiusdem quilibet in facultate sua diligenter et attente obseruet; quorum quilibet qui alteram partem pretermiserit vnius denarij pena coerceatur.

Item quod in communicacionibus et disputacionibus vnusquisque socium suum pacienter sustineat; quod si quis aliquod derisorium verbum in socium protulerit, eius scienciam, ingenium vel racionem deprauando vel quoquomodo odiosam comparacionem occasione communicacionis sciencialis fecerit, per quam pax forsan et tranquillitas aule perturbari possit seu doctrina omitti, sub pena ijd. aut maioris summe secundum discrecionem principalis puniatur.

Item publice lecture tam ordinarie quam extraordinarie secundum morem sue facultatis quilibet scolaris omni die legibili diligenter eidem attendendo intersit, sub pena quadrantis.

Item quod nullus scolaris stando aut sedendo in domibus laicorum
[f. 4b.] aut vicis, studio relicto, ociosum se prestet, sed quod quilibet talis in alijs temporibus vltra tempora predicta lecturarum occupacionibus studiosis aut communicando cum alijs aut disputacionibus publicis vel priuatis interessendo aut per se studendo absque alicuius temporis perdicione se diligentissimum adhibeat, nisi alijs occupacionibus in termino pro tunc fuerit prepeditus, sub pena jd.

Item quod bacallarij arcium quique in suis habitibus disputacionibus solempnibus[1] magistrorum et bacallariorum omnino intersint. Atque quod omnes et singuli eorum in disputacionibus aularibus secundum cursus suos problemnata seu questiones teneant et eis respondeant, sub pena ijd. APPENDIX. XXX.

Item quod quilibet sophista per se vel per alium de racionabili causa impeditus per alium subrogatum suas vices ad supplendum cursu suo sophisma teneat siue sermonem ac eciam tali consimiliter respondeat; et hoc horis debitis eas minime posteriando, sub pena jd.

Item quod quilibet sophista vice alterius tenetur sophisma vel sermonem tenere vel ad huiusmodi respondere dummodo ad hoc sit aptus et congruo tempore monitus, sub pena oboli. Proarcistis.

Item quod quilibet sophista contra responsalem in sophismatibus et sermonibus in suo ordine replicet in morando; quousque singuli suas compleuerint replicaciones, sub pena quadrantis.

Item quod nullus sophista tempore sue lecture aut recitacionis seu sermonis disputati rabeat, garrulet, strepitum seu tumultum faciet quouismodo, sub pena quadrantis.

Item quod quilibet senior sophista quolibet die quo fit lectura in leccionibus cum suis communicet iunioribus, sub pena oboli.

Item quod quilibet sophista lectus in aliquo tractatu vltra communem tractatum quolibet die quo peruisum[2] tenetur eidem intersit diligenter attendens vbi quilibet generalis sophista semel ad minus in quolibet termino replicet, sub pena oboli.

Statuta de regiminibus in refeccionibus.

In primis statutum est quod vnusquisque post preconizacionem pulsacionem campane aut cornuflatum ad aliquam refeccionem, videlicet prandium et cenam, ad eam absque more dispendio veniat festinanter ne alias fercula diuidantur in preiudicium communitatis et ipsius tarde venientis, sub pena quadrantis. [f. 5.]

Item quod nullus causa prandendi, jantandi, cenandi aut batellandi aut quauis alia causa promptuarium ingrediatur aut coquinam, nisi gratia computandi seu in defectu famuli communis seruiendi aut alicuius cause racionabilis per principalem approbata (*sic*), sub pena quadrantis.

Item quod nullus ad aliquam refeccionem accedere presumat postquam in ea omnibus sedentibus de ciphis seruiatur neque ea vice in aula coquina vel promptuario se reficere presumat, nisi

[1] MS. solemnis.

[2] i.e. Parvisum. Cf. above, vol. I. p. 445 and vol. II. p. 448.

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actu scolastico quo minus cicius ad ipsam refeccionem venire poterit id noscatur fuisse, sub pena quadrantis.

Item quod postquam secundum ferculum fuerit ablatum a mensa nullus mappam tardet[1] vt alius prolixius se reficiat in detrimentum communitatis, nisi batellauerit aut soluerit pro superueniente cibo et potu postea sumptis, sub pena quadrantis.

Item quod nullus aularis alicuius aule in qua ponuntur commune extra eam comminarius existat, nisi propter aliquam infirmitatem aut manifestam suorum extraneorum presenciam aut aliam causam racionabilem per principalem approbatam, sub pena iiij d.

Item quod quilibet scolaris potens in bonis ponere communes, habitans in aula in qua commune non tenentur, in aliqua aula vicina plus congrua vbi commune et lectura in sua facultate [f. 5b.] habentur sit comminarius; nec non statutis aularibus ac principali ibidem in omnibus et singulis cum inhabitantibus eam equaliter sit subiectus. Nec non quod omnia et singula onera aularia consueta sue parti incumbencia cum quibuscumque penis pecuniarijs, si quas transgrediendo statuta incurrat, integro die assignato persoluat, aut ipso taliter ea non soluente bonorum suorum vniuersorum in predicta aula communas non habente incameratorum prefati principalis sine contradiccione pareat arestacioni.

Contra portantes cibaria extra aulam.

Item quod nullus in communis aut batellis panem aut potum aut porcionem suam piscium siue carnium habeat extra aulam aut in villam aliquod illorum destinet quouismodo, neque ciborum fragmenta, sed illa seruientibus vel pauperibus erogentur, sine licencia principalis obtenta, sub pena tociens quociens ijd.

Tertia expectanda refectio.

Item quod vbi quis absens fuerit a mensa sibi reseruentur carnes siue pisces vsque ad proximam refeccionem sine monicione ad hoc precedente. Et eciam pro pane et potu quadrantem retinebit; attamen carnes siue pisces vsque ad terciam refeccionem mancipium sibi non tenetur custodire, sed de eis disponat ad vtilitatem communitatis melius quo possit. Et si dies ieiunabilis in crastino subsequatur tunc vltra horam octauam eiusdem noctis nullatenus custodiantur sed ad vtilitatem disponantur communem.

Item quod carnes aut pisces porcioni alicuius in aliqua refeccione pertinentes sua voluntate ad mensam delatos et positos de mensa nemo transferat, sed huiusmodi omnia sic deposita in vsum communitatis conuertantur, sub pena quadrantis.

Item quod quilibet jurnellus ad mensam sedens in die ieiunabili pro vna refeccione soluat ijd. Alio die non ieiunabili soluat pro prandio jd. obolum, et pro cena jd. obolum.

[1] MS. 'terdet.'

Item quod post horam octauam in die Jouis de refeccionibus non habitis per septimanam precedentem aut minutis imparibus fiat nulli commensali allocacio sed tunc in vtilitatem communem conuertantur. [f. 6.]

Item quod quilibet aularis si per tres refecciones continuas seu interpollatas in eadem ebdomada in villa permanserit ad minus semicomminarius existat, sub pena xijd.

Item quod vnusquisque aularis habeat discos de propriis; alioquin terminatim soluat communis jd. obolum.

De rebus communibus non occupandis in particulari.

Item quod nullus occupet aut occupari faciat in suo negocio singulari aut priuato ciphum, discum, parapsidem, acetabulum, ollam, celaria, candelebra, mappas, aut res communes quascumque, seu ea in sua camera detineat per vnam noctem nec extra aulam exportet, sub pena quadrantis.

Statuta de aulis, gardinis et alijs locis publicis seruandis honeste.

In primis statutum est quod nullus deturpet aulam rabiando vel luctando, cirpos aut stramina subuertendo, aut super storia discurrendo, sub pena quadrantis.

Item quod nullus mappam effusione liquoris intingendo vel scindendo aut alio inepto modo deturpet, sub pena quadrantis.

Item quod nullus sculpturam, picturam, scissuram, puncturam, aut aliud deforme in mensa, pariete, hostio, vel fenestra faciat, sub pena quadrantis.

Item quod nullus sportum gardinum[ve] quouismodo inhoneste deturpet super herbas decurrendo, eas aut frangat aut asportat, sub pena oboli.

Item quod die limitato seu diebus limitatis per principalem ad reparandum gardinum omnes aulares sint presentes et circa id ad vtilitatem et honorem aule efficaciter prout eis iniungitur laborent.

Item quod quilibet eorum partem gardini secundum limitacionem principalis sibi ad faciendum assignatam congrue excolat et custodiat, sub pena ijd. [f. 6b.]

Item quod nullus infra sportum seu gardinum vrinam emittat aut effundat, fecesve cibariorum deponat, nec alibi infra precinctum aule preterquàm in locis ad hoc deputatis, sub pena jd.

Item quod quilibet frangens vitreas fenestras aut alias res necessarias infra aulam aut aliquam cameram suis propriis expensis eas ad mandatum principalis illico reparare tenetur.

Item quod nullus manus suas in situla fontis lauare presumat, sub pena jd.

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Item quod nullus aularis canes venaticos feronesve aut ancipitres alias aut auiculas singulariter teneat aut foueat infra precinctum aule, sub pena iiijd.

Statuta de officijs communium seruiencium.

In primis statutum est quod singuli seruientes sua fideliter et diligenter exerceant officia pro suis posse et sciencia ad commodum et profectum communem, tam in emendo necessaria ad communes quam in custodiendo et preparando ea. Ita videlicet quod omni penitus remoto amore, fauore, timore et lucro mancipium ibi et a talibus talia emat victualia et alia necessaria pro communis vbi et quando et a quibus ac que probabiliter credit melius et vtilius vtilitati et honestati communi expedire. Et quod ex deliberato proposito a principio nec ex postfacto mancipium emat aut disponat vt vnum ferculum maius sit aut melius altero vt sic omnibus commensalibus equaliter seruire poterit, sub pena jd.

Item quod nichil semel ad communitatem deputatum aliquis serviencium cuidam det aut alienet in preiudicium communitatis, nec ad hoc det consilium auxilium aut fauorem, sed diligenter illud conseruet ad vtilitatem communem pariter et disponat.

[f. 7.] Item quod seruientes diligenter obseruent horas prandij, biberij et cene debitas ac consuetas eisdem personaliter interessendo, ita quod, si debita alicuius refeccionis hora non fuerit, in defectu eorum aut eorum alterius, vt congruit obseruata pena feriatur duorum denariorum qui ipsorum in hac parte culpabilis est repertus et hoc tociens quociens.

Item quod mancipium ciphos mundos et honestos conseruet, seruisiam ab eisdem post quamlibet refeccionem finitam confestim evacuando, aulam et promptuarium simili sub forma honeste custodiat. Et cocus conformiter coquinam et sportum seruet et si quisquam ex eis aliquo eorundem culpabilis fuerit tociens quociens soluet communitati quadrantem.

Item quod mancipium quolibet die hostia sui officij serare vt oportet teneatur, et cocus barellos debite mundare, sub pena quadrantis.

Item quod mancipium seruet per se vel per alium promptuarium post cenam et ab hora cene vsque ad horam nonenam (*sic*) de nocte, sub pena quadrantis.

Item quod si seruientes communes sciant probabiliter aliquam discordiam ortam aut de verisimili orituram inter aliquos magistros suos aut vnum de magistris suis et alium, ex qua sequi possit pacis subuersio si statim non extinguatur, illam principali quam cito commode poterint secrete intimabunt, sub pena vjd. Item eciam si sciant aliquod dampnum communitati intulisse, illud cito principali integre denunciabunt, sub pena tociens quociens vjd.

Item quod batellarius quisquam in refeccionibus comminarijs de victualibus seruiat antequam se ad reficiendum transeat, sub pena ijd. APPENDIX. XXX.

Item quod omnia secreta aularia que licet decet et expedit secreta remanere nullus seruiencium communium alicui ad extra referat aut reuelet, sub pena vjd.

Item quod nullus pro aliquo defectu seruientem redarguet aut obiurgetur, nisi prius principalem pro eius correccione sit allocutus, sub pena tociens quociens iiijd. [f. 7b.]

Item quod nullus occupet aut occupari faciat seruientem communem in suo negocio priuato tempore quo vacaret et seruiret communi vtilitati absque concensu communi et sui principalis, sub pena arbitrio principalis assignanda.

Statuta de solucionibus debitorum per aulares seruanda.

In primis statutum est quod quilibet aularis tam magistro vel doctori suo in ordinarijs lecturis atque bidello sue facultatis, secundum exigenciam sui status vel gradus, tempore consueto quantum consuetum est cumalaret (*sic*) quam principali suo pro sua lectura aulari iuxta antiquum morem aut conuencionem satisfacere in fine cuiuslibet termini teneatur, sub pena expulcionis et bonorum suorum arestacionis nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod in fine cuiuslibet termini aliquo certo die per principalem limitato vnusquisque aularis eidem de sue camere pensione et pro salarijs seruiencium communium cum alijs oneribus consuetis integre persoluat quibuscumque, sub pena expulcionis et bonorum suorum arestacionis per principalem faciende et retinende quousque satisfec[er]it nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod quilibet aularis cameram aut partem camere per se aut res suas occupans, aut habens cameram sibi reseruatam in aliqua aula, contribuciones ad lumen sancti Nicholai[1] et capicium coci necnon alia communia onera aularia subeat supportet et soluat, sub pena expulcionis et bonorum suorum arestacionis per principalem faciende et retinende quousque satisfecerit nec non denunciacionis eiusdem domino cancellario pro rebelli.

Item quod vnusquisque aularis pro communis suis aut alijs rebus emptis per mancipium pro vsu suo eidem ad minus in fine cuiuslibet mensis integre satisfaciat, sub pena expulcionis ab aula nisi aliqua racionabili causa secum per principalem cum concensu mancipij dispensetur. [f. 8.] In fine cuiuslibet mensis integre satisfaciat

[1] 'ad . . . nicholai' erased.

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moram trahens per mensem.

Item quod trahens moram per mensem alicuius termini in aula cum reliquis socijs suis per totum terminum ibidem morantibus mancipio et coco equaliter soluat stipendium.

Item quod quilibet occupans cameram aut partem camere per se vel per res suas in festo sancti dionisij mense octobris pensionem camere eiusdem aut partis eiusdem pro termino illo integre persoluat; licet ante festum Natalis tunc proximi futuri dictam cameram aut partem eiusdem dimiserit. Et si in festo sancti Hillarij cameram huiusmodi occupauerit aut modo consimili retinuerit, residuum pensionis terminorum anni illius fideliter soluat, ad quod faciendum per arestacionem bonorum suorum et expulsacionis nec non denunciacionis (*sic*) eiusdem domino cancellario vt pro rebelli puniatur.

Statuta de impositore et eius officio.

In primis statutum est quod quolibet die sabati post gloriose virginis antiphonam decantatam et biberium completum auditaque racione impositoris ebdomade tunc finite, vnus alius sociorum deputetur aut duo deputentur in inpositorem, suum officium tota septimana ex tunc immediate futura continuaturum, qui idem officium recepere [*sic*] et exequi tenetur sub pena ijd., qui post illud susceptum, si tunc contingat ipsum illa septimana abesse, alium vices suas pro tempore sue absencie in eodem officio suppleturum officiumque huiusmodi executurum pena sustineat sub eadem: cuius
[f. 8b.] officium est quod quilibet pro vice sua qua limitatur esse impositor solicite et diligenter exploret omnes et singulos contra aliquod predictorum statutorum delinquentes cum suis delictis et excessibus, atque eos nemini parcendo audacter de suis delictis moneat et imponat atque eos et eorum delicta in fine sue septimane in redditu racionis de suo officio principali publice notificet et declaret et cetera alia faciat vt superius est memoratum que suo incumbit [*sic*] officio.

Item quod nemo impositori pro sui officij execucione eidem irascando indignatur (*sic*), minas contra eum aut contumelias quomodolibet inferendo, sed quod monicioni et imposicioni eius absque contradiccione licet monitus humiliter pareat prout decet ipsum gratuiter ferendo, sub pena jd.

Statuta de dictorum statutorum obseruacione execucione declaracione et dispensacione.

In primis statutum est quod principalis omnia et singula statuta predicta que ipsi cum socijs alijs communiter obseruare pertinent ad exemplum suorum aularium strictissime seruiat, nec non alios quoscumque aulares vniuersas prefatas ordinaciones que illorum custodire interest obseruare compellat, atque omnes defectus in

omnibus contrauenientibus eisdem statutis repertos corrigendo penas debitas absque remissione exequatur.

Item quod si aliquis contra aliquod predictorum statutorum deliquerit et penam limitatam pro violacione eiusdem die per principalem statuto non soluerit aut subire seu implere recusauerit, ipso facto xijd. amittat communitati, vltra penam in huiusmodi statuto in quo deliquerit [?] contentam, et ab aula et communitate eius auctoritate principalis et communitatis sit expulsus. Si [f. 9.] execucioni alicuius predictorum statutorum seu execucioni vel leuacioni pene pro violacione alicuius eorumdem restiterit, aut correccionem alicuius delinquentis contra aliquod eorum impedierit, seu contra aliquam predictarum ordinacionum fedus inierit seu conspirauerit, eadem pena puniatur: atque, in quocumque casu istorum extiterit reus, illum principalis cum suo excessu pro obstinato domino cancellario denunciet.

Item quod cum omnibus memoratis statutis principalis causa racionabili subsistente dispensandi et penas eorum discrete commutandi habeat potestatem ceteraque omnia et excessus in illis non expressa suo etiam arbitrio cohercendi, nisi talia sint que correccioni domini cancellarij sunt reseruata.

Item quod vnusquisque scolaris manens sub magistro, tutore, aut creditore subeat in noctibus sabatinis publice correccionem corporalem, aut alias multam pecuniariam pro suis excessibus contra prefata statuta, factis denunciatis aut alias notorijs, a principali infligendum (*sic*) non obstante quod magister suus, tutor, curator aut creditor suus tunc dixerit se illos excessus correxisse aut se paratum esse ad corrigendum illos. magister, tutor, curator, creditor.

Item quod si aliquis casus vel aliqua ambiguitas in aliquo dictorum statutorum oriatur per easdem ordinaciones non decisa, pro ea declaranda ad domini cancellarij recurratur decisionem et eidem stetur, nisi propter necessitatem celeris declaracionis eiusdem periculum sit in mora; tunc principalis eam statim decidat et declaret, cuius decisioni in ea parte si quis duxerit resistendum ipso facto nouerit se a communitate expulsum.

Item quod nullus irritare aut impugnare seu vilipendere hec predicta statuta aut aliquod eorum super se vsurpet sine auctoritate [f. 9b.] domini cancellarij qui pro tempore fuerit, sub pena expulsionis ab aula et sui delicti domino cancellario denunciacione.

Item quod quilibet socius in aliquam communitatem alicuius aule in presenti receptus aut in posterum recipiendus in introitu et recepcione sua in eandem ad omnia premissa statuta et eorum quodlibet obseruanda fide media principali coram testibus promittat, et securitatem de ipsis conseruandis faciat, sub pena expulsionis sue ab eadem aut non admissionis sue ad eandem. Juramentum recip.

Item quod omnia et singula statuta predicta in vno quaterno de

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pergameno seriatim scribantur in salua custodia principalis remansura. Et quod in principio cuiuslibet termini et alias quociens necessarium videbitur per principalem in presencia tocius communitatis siue maioris partis eiusdem sue aule publice legantur et aperte exponantur.

Ordinatum est per dominum cancellarium et per totam vniuersitatem quod quilibet principalis seu locum eius tenens, sub pena excommunicacionis, in principijs singulorum terminorum faciat omnes seruientes coram comitiua sua iurare quod bene et fideliter deseruient comitiue sue et singulis de eadem; et quod non emant victualia ad retallium sub quocumque colore, sed ad fidele opus magistrorum et scolarium quibus deseruiunt; et quod non emant victualia ad opus alicuius regratorij vel aliquorum regratoriorum; et, si tales sciuerint aut nouerint seu aliquos ementes ante horam nonam aliqua victualia siue in villa siue versus villam veniencia ad retallium, domino cancellario denunciabunt. Quod si aliquis seruiens contra ista venerit, ex tunc non reputabitur habilis ad seruiendum in officio scolarium.

Item quod omnia ista intelligantur in sensu gramaticali ex communi significacione terminorum habito vel pretenso.

Istud opus quod. Box. Explicit [1].

XXXI.

THE MEDICAL BOOKS USED AT MONTPELLIER.

THE following particulars relating to the various books mentioned above (chap. viii. § 1), I owe to the great kindness of Dr. J. F. Payne, to whom I submitted my proofs :—

BOOKS READ AT MONTPELLIER.	WHEN TRANSLATED.
1. *De Complexionibus* = De Temperamentis—Galeni.	From Arabic, by Gerard, of Cremona, at Toledo in twelfth century. Afterwards direct from Greek (by Linacre in sixteenth century).
2. *De Malicia complexionis diversæ* = De Inæquali intemperie—Galeni.	From Arabic by the same. Also by Linacre as above.
3. *De Simplici Medicina* = De Simplicium medicamentorum temperamentis et facultatibus—Galeni. Translated into Arabic by Honain (Joannitius).	From Arabic by the same. (Many Arabic expressions in the Paris MSS.—Leclerc.) The short title is significant.

[1] f. 12: Statutes of S. Mary's Coll., 1458 (? same hand).

4. *De Morbo et Accidenti*—doubtful, probably = De Morborum causis, De Morborum differentiis, De Symptomat. causis (lib. iii.), De Sympt. differentiis, or an abridgement of all these books—Galen. In some printed editions they are called *De Morbis et Symptomatibus.*	This is not in any list of translations made at Toledo, or by Gerard or Constantine. For other reasons also I think it does not belong to the oldest group of translations, and was made probably in the thirteenth century, not in the twelfth; but from the *Arabic*, as shown by the title.
5. *De Crisi et Criticis Diebus*= De Crisibus (lib. iii.), and De diebus criticis—Galeni.	From Arabic, by Gerard, in the twelfth century.
6. *De Ingenio Sanitatis*=Methodus Medendi, sometimes called Megatechne or Megategni (lib. xii) — Galeni. Not the work *De Sanitate tuenda.*	From Arabic, among the earliest group of translations, being referred to by the translator of No. 7; and probably, but not certainly, by Gerard (perhaps Constantine?).
7. *Tegni* of Galen=τέχνη ἰατρική =Ars parva, often with the comment of Haly ben Rodoan.	Translated from Arabic by Constantine; and with the comment of Haly by Gerard.
8. *Prognostics* of Aratus=Διοσημεῖα, a meteorological poem said to be founded on Meteorologica of Aristotle.	No record of any Arabic translation. It is said there were Latin translations made from the Greek.
9. *Aphorisms* of Hippocrates (with commentary of Galen, —the first work of Galen translated into Latin, according to Constantinus Africanus).	From Arabic by Constantine at Monte Cassino—eleventh century.
10. *Johannicius* = 'Regimenti.' This must mean the Ysagoge in Medicinam, the only work of Joann. translated; prefixed to numerous MSS.	Early translation from Arabic; name of translator not given.
11. *Liber Febrium* of Isaac= Isaac Judæus, written in Arabic.	From Arabic by Constantine—eleventh century.
12. *Antidotarium*, probably of Nicolaus, Præpositus of Salerno, twelfth century.	Latin original.

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BOOKS LECTURED ON IN 1340.	WHEN AND WHERE TRANSLATED.
1. *Primus Canonis*—Avicennæ.	From Arabic by Gerard of Cremona at Toledo; twelfth century.
2. *De Morbo et Accid.*—Galeni.	A 'versio antiqua,' probably from Arabic, of this treatise is referred to more than once. (Kühn's Galen, I. c. 1.)
De differentiis Febrium—Galeni.	See above.
3. *De Crisi*, &c.; De Malicia, &c.—Galeni. (See in other list.)	See other list.
4. *De Simplicibus Medicinis* = probably No. 3 in other list —Galeni.	See other list.
De Complexionibus — Galeni. (See other list.)	See other list.
5. *De Juvamentis Membrorum* = Galeni de Usu Partium.	From Arabic—anonymous. Probably not in earliest group.
De Interioribus = Galeni de Locis Affectis.	From Arabic, by Constantine.
6. *Liber Amphorism.* Hippocratis.	See other list.
De Regimine Acutorum. Hippocratis. *De Prognosticis* = Prognosticon Hippocratis.	Both from Arabic by Gerard, at Toledo. (Some MSS. attribute to Constantine.)
These three works were all commented by Galen, and occur together with the comment in MSS.	
7. *Liber de Ingenio* = De Ingenio Sanitatis Galeni. (See No. 6 in other list.)	See other list.
Ad Glauconem = Therapeutica vel de Methodo Medendi ad Glauconem, Galeni (not the same as the great Methodus Medendi).	I cannot trace translation; but is known to have existed in Arabic.
8. *Quartus Canonis*—Avicennæ quoad duas primas (Fen.).	Translated from the Arabic, at Toledo, by Gerard of Cremona.

Johannicius *de Pulsibus*. There is no known work of J. thus entitled; probably = Philareti de Pulsibus.

De Urinis = Theophili Protospatharii de Urinis (Greek Christian writer of the seventh century A. D.; *Philaretus* is believed to be the same man).

} Old translations: traditional; not known to have passed through Arabic.

These two works are constantly found in MSS. immediately following the Isagoge of Johannitius; hence the confusion. These *three* works form the beginning of the printed collection called Articella, which, in early editions, also includes Hipp. Aphorism, Regim. Acutorum and Prognostics all with comments by Galen; and Tegni Galeni (as in other list).

9. *Tegni* Galeni, &c. (See No. 6 in this list and No. 7 in other list.)

10. *De Regimine Sanit.* = *possibly* the Regimen of the Schola Salernitana; but on the other hand Galen's *De Sanitate tuenda* bears this title in the old MSS., and it may refer to this. The old rhyming poem was meant for popular use and perhaps would hardly be used as a text book.

11. *De Virtutibus Naturalibus* = Galeni de Alimentorum Facultatibus. This was translated at Bologna by Accursius Pistoriensis in 1200 A. D. (from Arabic—Leclerc). (Merton College MSS. 218, Coxe's Catalogue.)

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Dr. Payne adds the following remarks :—

The result is that most of the works of Hippocrates and Galen *must*, and all of them *might*, have been derived from translations made through the Arabic in the eleventh century by Constantine, in the twelfth by Gerard of Cremona, and possibly later (before 1300) by others. They can nearly all be found in lists of translations from Arabic given by Leclerc, or contained in other catalogues of MSS.; and in other cases the peculiar titles distinguish them from the classical translations made direct from the Greek.

There remain only two works of late Greek writers, Aratus and Theophilus, which need not have had anything to do with the Arabians; and two Salernitan books, Antidotarium and Regimen Sanitatis.

These seem to me remarkable as showing that the translations made at Monte Cassino, and especially at Toledo, had an immense effect on European science; and so the introduction of this literature may be said to have been the foundation of the medical faculty of Montpellier, which gave the law to medical instruction in Europe for a long time.

But this does not show that *Saracen teachers founded the school*, which is, as you say, a very wild theory. In fact all this *contradicts* that theory. The translations at Toledo began under the auspices of a Christian prelate, Raymund, Archbishop of Toledo: others were made at Monte Cassino in the monastery—for the use of Christendom—and it is obvious that the Latin versions could only be used by Latin, not by Arabic, teachers. So that the school was distinctly Latin and Christian, not Saracenic; and must at once have superseded the Jewish schools of medicine and the Saracenic (if any such existed in Christian Europe).

The same Arabic version of Greek science was the foundation of Roger Bacon's science; as also it is said of that of Albertus Magnus and of Vincent of Beauvais.

It is an equally wild and fallacious theory that the Crusaders brought back to Europe Oriental science. This was far more easily accessible in Spain, and filtered into the adjacent parts of Southern France.

The immediate result of this new invasion of the Arabic-Greek science was to diminish the importance of Salerno as a school of medicine. For though the Salernitans profited by the new versions, they had no longer any monopoly of the ancient medicine.

The whole subject of medieval Medical Literature is very interesting and has never been worked out thoroughly. It could only be done by studying the MSS. and comparing the different *groups* of versions which appeared at different times, and were

found collected together in the same MS. The association of these versions is by no means fortuitous; but shows what books were adopted as text-books, and hence transcribed into the compendiums which were used by students, and taken away by them from Montpellier and other schools to different parts of Europe.

The early printers got hold of these MSS. and printed them as they found them, so that the early collections of medical works, especially that known and often printed under the name of Articella, did not represent a collection made by the printers, but a collection which was in use long before as a text-book. The earliest edition of this work (no place or date, *c.* 1479) contains 7, 8, 9, 10 in the first Montpellier list; and two under No. 6, and two under No. 8 (viz. Philareti and Theophili) in the second. Other editions are more copious, but nearly all are Montpellier text-books. This shows the long persistent influence of the Montpellier curriculum.

The omissions, e. g. of Celsus and of works of Hippocrates which had not been commented upon by Galen, are also most instructive.

XXXII.

THE PRESENT JURISDICTION OF THE VICE-CHANCELLOR'S COURT AT OXFORD.

By the ancient Charters and Statutes, as we have seen, this Court had the following jurisdiction:

(1) Exclusive spiritual jurisdiction over resident members of the University and concurrent spiritual jurisdiction over citizens. This jurisdiction included Probate of scholars' wills, which lasted till 1858.

(2) Civil jurisdiction in any case in which a member of the University was plaintiff or defendant, exclusive of 'pleas which touch the crown,' and actions relating to a lay fee (i. e. practically all actions affecting real property). It appears to be doubtful whether it has jurisdiction in equity: in many cases it would clearly be without the machinery for enforcing equitable jurisdiction. (For contradictory decisions on this head see Grant, *Treatise on the Law of Corporations*, London, 1850, p. 523 *sq.*) The Court would also at all times have been in practice incapable of exercising certain jurisdictions created by Statute at a date subsequent to that of the University Charters, e. g. by the various acts relating to Insolvency and Bankruptcy.

(3) Criminal jurisdiction in all cases in which a member of the University is prosecutor or defendant, except treason, felony, and

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'mayhem.' It may be a matter of much antiquarian and some practical interest to enquire how far this jurisdiction has been affected by recent legislation.

1. If the judgement of Dr. Mountague Bernard, then Assessor of the Chancellor's Court, in the case of Pusey and others *v.* Jowett (Oxford, 1861) is to be accepted, the spiritual jurisdiction has practically vanished. A suit being promoted against the Rev. B. Jowett, Professor of Greek (afterwards Master of Balliol), for heresy, the Assessor ruled that by the Clergy Discipline Act of 1840 (3 & 4 Vict. c. 86), no proceedings could be taken against a clerk in holy orders except in the manner prescribed by that Act. The Act does not recognise the jurisdiction of the Chancellor, nor could the machinery which it provides be applied to the Chancellor's Court. Hence no proceedings can be taken against a clerk in holy orders in the Chancellor's Court for an ecclesiastical offence. The Court no doubt retains the same power of excommunicating laymen for immorality, which is in theory retained by the Courts of the Bishops and Archdeacons elsewhere, but the power is of course practically obsolete; though there is, it would appear, still nothing to prevent an Archdeacon 'signifying' to the Queen in Chancery persons who refuse to perform a penance imposed by his Court, and procuring their imprisonment by the writ *de excommunicato capiendo.*

2. In civil cases the jurisdiction remains absolutely intact as was recently decided by the Court of Queen's Bench in the case of Ginnett *v.* Whittingham (16 Q. B. D. 761). By 17 & 18 Vict. c. 81, § 45, the Common Law was substituted for the ancient Civil Law procedure of the Court, and power was given to three judges to frame rules for the Court, a power which was exercised in 1865 and 1892.

3. In criminal matters it is believed, by the responsible advisers of the University, that the jurisdiction of the Court has been seriously modified by the Summary Jurisdiction Act of 1879 (42 & 43 Vict. c. 49). It seems unnecessary to discuss the effects of the earlier Summary Jurisdiction Act of 1848. The Act of 1879 provided that summary jurisdiction should only be exercised in the manner prescribed by the Act; and it is thought that the practical effect of this measure is to abolish all the criminal jurisdiction of the Vice-Chancellor, except that which he exercises as an *ex officio* Justice of the Peace. This jurisdiction is of course much more limited than the old jurisdiction above described. Whereas under the old Charters he might (without a jury) have tried a man for perjury, and sentenced him to two years' imprisonment or more, the maximum sentence which can be imposed by Justices is six months' imprisonment. Moreover, except in the most

trifling cases, a Justice of the Peace must act with at least one other Justice. Hence, of late years, the practice has been for the Vice-Chancellor to sit with some other Justice of the Peace for the County of Oxford, and (where the matter exceeds their jurisdiction) to commit for trial to the Assizes or Quarter Sessions. But the Act of 1879 required that Justices should sit only in Petty Sessional Courts, i. e. in a place regularly appointed by the Justices for the Division. Consequently there was still an anomaly in the proceedings of the Vice-Chancellor who did not belong to any regular Petty Sessional Division, and held his Court in a place not authorised under the provisions of the Act. Hence in 1886 an Act of Parliament was procured (49 & 50 Vict. c. 31) which provided that 'The chancellor, masters, and scholars of the University of Oxford may, from time to time, fix a place within the precincts of the University at which the chancellor of the said University, and his commissary for the time being (commonly called the vice-chancellor), and the deputy of the aforesaid commissary for the time being may sit and act as justices of the peace for the counties of Oxford and Berks, and when they, or any of them, sit in the place so appointed, and act as justices or justice of the peace for the county of Oxford or Berks, such place shall be deemed to be a petty sessional court-house within the meaning of the Summary Jurisdiction Act, 1879, and to be situate within the county of Oxford or the county of Berks, as the case requires, and any justice of the peace for the county of Oxford or the county of Berks, as the case requires, may sit and act with them or him as justice of the peace in such court-house.'

I venture to doubt whether this interpretation of the various Acts dealing with the matter can be sustained. The Act of 1879 relates exclusively to the jurisdiction of Justices of the Peace, and there is nothing whatever in it to curtail or modify any jurisdiction which the Vice-Chancellor exercises not as a Justice. Moreover, this interpretation would make it exceedingly difficult to show whence the Vice-Chancellor derives his *exclusive* claim to try offences committed by or against members of the University. That jurisdiction was conferred upon the Vice-Chancellor as Vice-Chancellor, not as a Justice of the Peace. If recent legislation has destroyed his jurisdiction as Vice-Chancellor, has it not destroyed also his claim—at all events his exclusive claim—to try these offences? Such a jurisdiction he certainly cannot claim merely as one of the numerous Justices of the Peace for the Counties of Oxford and Berks. Nor is there anything in the Act of 1886 to cure this defect in his position. That Act gives him special facilities for exercising his jurisdiction as a Justice of the Peace: it exempts him from the necessity of sitting with any number of other Justices

who choose to attend in the Petty Sessional Court of the district, though he must in certain cases sit with one Justice of Oxford or Berks. But it does not confer upon him any jurisdiction which he did not already possess as a Justice; and it does not exempt members of the University from the jurisdiction of the County or City Justices. It cannot surely be contended that the Charters are repealed in respect of the jurisdiction exercised by the Vice-Chancellor, while they are still in force in respect of the persons over whom that jurisdiction is exercised. If the jurisdiction of the Vice-Chancellor *qua* Vice-Chancellor is gone, members of the University can hardly be exempt from the jurisdiction to which other residents in Oxford are amenable: still less can the Vice-Chancellor claim the exclusive cognisance of cases in which a member of the University is the prosecutor.

There is a further anomaly in the position taken up by the University in this matter. Oxford is a County Borough, with a separate Commission of the Peace. That being so, it is anomalous—though no doubt not illegal—for two Justices of the Counties of Oxford and Berks to exercise jurisdiction in respect of offences committed within the City boundaries. If the Vice-Chancellor is by Charter a City Justice, the Justice with whom he sits is not necessarily so.

In this state of affairs it might be contended that *either* the Vice-Chancellor has lost all criminal jurisdiction beyond the right of holding a Court for the trial of such offences committed in Oxford or Berks as may be brought before him by the voluntary choice of the prosecutor, *or* that the old jurisdiction of the Vice-Chancellor's Court in all criminal cases but treason, felony, and mayhem remains intact.

The chief difficulty in the way of the latter view lies in two clauses of the Summary Jurisdiction Act of 1879 taken in connexion with two clauses of the Interpretation Act of 1889 (52 & 53 Vict. cap. 63. § 13). The clauses of the first-mentioned Act (42 & 43 Vict. cap. 49. § 20, c. 1, 2) run as follows:—

'(1) A case arising under this Act, or under any other Act, whether past or future, shall not be heard, tried, determined, or adjudged by a court of summary jurisdiction, except when sitting in open court.

'(2) Open court means a petty sessional court-house.'

The clauses of the Interpretation Act, 1889 (52 & 53 Vict. cap. 63. § 13, cc. 11, 13) are:

'(11) The expression "court of summary jurisdiction" shall mean any justice of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England,

Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts, or any of them, or under any other Act, or by virtue of his commission, or under the common law.'

'(13) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place.'

Now certainly the language of Clause 11 in the Act of 1889 is very comprehensive. It would be difficult to contend that the Vice-Chancellor is not a magistrate; and if he is a magistrate, it may be urged that he must conform to the provisions of the Summary Jurisdiction Act whether exercising his jurisdiction under the Summary Jurisdiction Acts, or any other jurisdiction which he possesses by law. But (1) in strictness the jurisdiction of the Vice-Chancellor, *qua* Vice-Chancellor, is not conferred by any Act of Parliament (though it is recognised in many Acts) or by the common law or by a Commission, but by Charter. And (2) if it be urged that the language of the clause is wide enough to cover the jurisdiction derived from the Charter, it would seem that *pari ratione* it must cover all manner of Courts and Judges, even the Judges of the High Court who are in the widest sense of the word 'magistrates' and specifically Justices of the Peace. Hence it would follow that even a Judge of the High Court would be bound to exercise his jurisdiction in a Petty Sessional Court sitting with the other Justices of the division. This being a *reductio ad absurdum*, it seems to me that it may still be contended that the Vice-Chancellor is not a magistrate within the meaning of the Act. The word must be understood to mean a magistrate with jurisdiction of the same character as that of Justice of the Peace, e. g. the Lord Mayor or Aldermen of the City of London.

Up to last year (1894) the old process of Appeal to Congregation and Convocation described above (p. 437) remained in force. The last appeal which actually proceeded to a hearing was the case of MacMullen *v.* Hampden in 1844. An appeal was entered in 1894 but was abandoned before the hearing. An Order of Council of Aug. 23, 1894, was procured (under the Supreme Court of Judicature Act of 1875, and Statute Law and Procedure Acts of 1883), by which an Appeal is created from the Vice-Chancellor's Court to a division of the Court of Queen's Bench, and the old appeal is abolished. The Act of 1875 gives the Queen in Council power

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to create an appeal from any 'inferior Court of Record' similar to the appeal from County Courts. It might perhaps be doubtful whether this would apply to the criminal jurisdiction of the Court, supposing any jurisdiction to remain other than that which the Vice-Chancellor possesses as a Justice of the Peace. Appeals from the Vice-Chancellor sitting in Petty Sessions must of course be made to Quarter Sessions on the facts, and to the Queen's Bench on points of Law, in the cases where such appeals are allowed in the case of other Petty Sessional Courts. If a case of a spiritual character were to occur, the old appeal to Congregation and Convocation would apparently remain in full force, since a Spiritual Court could hardly be covered by the term 'inferior Court of Record.' The University has, however, itself abolished the Statute dealing with the appointment of Delegates of Appeals. This would not however abolish the right to appeal to Congregation or Convocation, supposing any such right to exist.

Besides the ordinary jurisdiction of the Vice-Chancellor, he exercises a jurisdiction of a very peculiar character under the Oxford and Cambridge Police Act (6 Geo. IV. c. 97). Jurisdiction over 'suspected women' is conferred by many old Charters and Acts of Parliament, but in practice all proceedings in such cases are now taken under the Act of George IV. The Proctors have the power of arresting such women in the streets by means of the Proctor's servants (who are sworn constables), and this power has been exercised quite recently; but of late years it has been customary to bring up offenders who have been observed by the Proctors loitering in the street or walking with Undergraduates by summons. As a rule this leads to the disappearance of the woman. When the offender is brought before the Court, she is (for a first offence) usually discharged with a caution. On a second offence she is imprisoned for a few weeks. A jurisdiction which is thus very seldom really exercised produces a much more extensive and beneficial effect than *a priori* objectors to State interference might be disposed to expect upon the decency of the streets and the morals of the town.

The jurisdiction of the Court of the High Steward of the University, described above (p. 409), remains intact, but the privilege has never been claimed for a century or more, and the occasional cases of theft by members of the University are disposed of at Quarter Sessions or Assizes.

[I am indebted to Prof. T. E. Holland, the present learned Assessor of the Vice-Chancellor's Court, for several pieces of information contained in the above paragraphs.]

XXXIII.

THE PRESENT CONSTITUTION OF THE UNIVERSITY OF OXFORD.

The University of Oxford is now governed by the following bodies:—

(1) THE HOUSE OF CONVOCATION. This Assembly consists of the Doctors of Divinity, Law, and Medicine, and the Masters of Arts, so long as they keep their names upon the books of some College or Hall or of the Delegates of Non-collegiate Students, which is done by a small annual payment to the University and to the College, or by a composition for life. It is the supreme governing body of the University, which makes permanent Statutes or temporary Decrees, and controls the expenditure of the University revenues. In practice, it is only on very rare occasions that any considerable number of non-resident Masters attend.

(2) THE CONGREGATION OF THE UNIVERSITY OF OXFORD. This body was created by the University of Oxford Act, 1854 (17 & 18 Vict. c. 81). It consists of all resident members of Convocation, that is to say, of all members of Convocation who have passed 141 nights within a radius of two miles from Carfax Church during the preceding year (ending Sept. 1), together with certain officials who have seats independently of residence. Before a Statute (not a temporary Decree) is introduced into Convocation, it must be passed by Congregation: and this House has the sole right of amending Statutes.

(3) THE ANCIENT HOUSE OF CONGREGATION. Probably by an oversight on the part of the framers of the Act of 1854, the ancient Congregation of Regents was left in existence for certain purposes, viz. the conferment of ordinary degrees, and the approval of Examiners who have, however, to be subsequently approved by Convocation. Its functions are in practice merely formal, as degrees are never refused to candidates who have passed the Examinations and complied with the ordinary statutory conditions. The House consists of (1) the *necessario Regentes* who are Doctors or Masters of any Faculty (except Music) during the first two years from their admission to Regency, i. e. (the old ceremony of Inception being extinct) from the beginning of the term after that in which they have been admitted to their degrees; (2) the *Regentes ad placitum*, i. e. Heads of Colleges and Halls, Professors, Doctors of any Faculty (except Music), the Censor of Unattached Students (being at least M.A.), together with the Deans or Censors of Colleges, and all Public Examiners, Moderators (i. e. Examiners in the First Public Examination), and Masters of the Schools (i. e.

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Examiners in Responsions). In practice the nine Regents necessary to the conferment of a Degree are made up of the Deans who attend to present candidates from their respective Colleges.

(4) THE HEBDOMADAL COUNCIL. Under the Laudian Statutes the Hebdomadal Board consisted of the Vice-Chancellor, the two Proctors, and the Heads of Colleges. It was in the main a probouleutic body, having the exclusive right of initiating proposals of all kinds to be laid before Convocation. By the University of Oxford Act 1854, its functions were transferred to a differently constituted Hebdomadal Council. This body consists of the Vice-Chancellor and Proctors, the Ex-Vice-Chancellor and eighteen persons elected by the Congregation of the University of Oxford, of whom six must be Heads of Colleges, six Professors (or University Readers), and six other members of Convocation.

The method of carrying a Statute is therefore as follows:—The proposed measure must first be voted by the Hebdomadal Council. It is then laid before Congregation. If the preamble of the measure is carried, the principle of the measure is considered to be affirmed. This answers to a 'second reading' in Parliament. An opportunity is then given to members of Congregation to propose amendments, which, after due notice, are discussed and voted on. The measure as amended is then again laid before Congregation. Finally, if passed by Congregation, the Statute is laid before Convocation which must accept it or reject it absolutely without amendment. This procedure applies only to Statutes. Decrees and money grants proposed by the Hebdomadal Council are voted directly by Convocation, on a proposal introduced by the Hebdomadal Council.

THE UNIVERSITY AND THE COLLEGES. It may be desirable to add a few words as to the relations between the University and the Colleges, relations so puzzling to foreigners and even to Englishmen who have not been educated in them. The Colleges are wholly distinct corporations, and the University has no legal control over them whatever. But the students of the Colleges are as individuals members also of the University; and the University requires that its members shall be members of a College or Hall, or place their names upon the books of the Non-collegiate Students, in which case, though they reside in licensed lodgings, the Censor of Non-collegiate Students (with a body of Delegates appointed by the University) exercises over them the same kind of authority, and provides for them the same kind of education which it is the function of the College (i.e. the Head and Fellows) to provide in the case of Collegiate students. The University cannot directly control the corporate acts of the College or its officers. But, since the object for which the members of the College reside

in Oxford is to obtain the degree which is given by the University, members of the Colleges are obliged to conform to its regulations, and the University could, indeed, exercise any authority which it pleased over the Colleges by refusing to recognise members of a College which disobeyed its regulations. This in practice it does not attempt to do, except by requiring an officer of the College to testify that a candidate has kept the residence required by the University and a few similar regulations. The Professors of the University (much fewer in number than in most Universities of the same size) on the one hand and the Tutors and Lecturers of the Colleges on the other form two wholly distinct educational systems. A certain amount of harmony has, indeed, recently been established between them by the institution of Boards of Faculties, which draw up lists of lectures both by University Professors and College teachers, most of whom now open their Honour lectures to all members of the University while giving private tutorial instruction to their pupils in their own College. In practice it may be said that the larger part of the education which the majority of the Undergraduates obtain is provided by the College Tutors and Lecturers.

Mr. Bryce has happily used the relation between the University and the Colleges as an illustration of the relations between the Federal Government and the separate States of the American Union. The parallel is close enough for practical purposes, but there is this difference—that, in place of the strict limitation of spheres established by the American Constitution, the jurisdiction of both University and College, if either chose to exercise them, is legally unlimited. Expulsion from a College would not involve expulsion from the University unless the University chose so to enact: nor could expulsion from the University prevent a man continuing to be a member or even a Fellow of a College. The University's monopoly of the power of granting degrees is the only connecting link which ensures their harmonious co-operation.

ADDITIONAL NOTE.

p. 458. In 1403 we find Johannes Comitis and Guillelmus Burgundi described as 'actu docentes Parisius in arte Musice ex auctoritate et licentia Universitatis Parisiensis.' The first was Choir-master at Notre Dame, the latter 'Cantor Universitatis.' (*Chartul. Univ. Paris.* T. III. p. xiii.) But it does not appear that they were graduates.

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[*Technical Latin terms are printed in Italics.*]

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